



WEB COPY



Criminal Original Petition No.3283 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.02.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Criminal Original Petition No.3283 of 2024

and

Crl. M.P.No.2391 of 2024

K.Kumudhapriya
W/o.D.Kumaran

...Petitioner

Vs

R.Rajinikanth
S/o.Rajkumar

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to call for the records and quash C.C.No.1682 of 2016, pending on the file of the Metropolitan Magistrate Court/Fast Track Court No.2, Egmore at Allikulam, Chennai and consequently, allow this Crl.OP.

For Petitioner : Mr.M.Senthil Kumal

For Respondents : -

ORDER

This petition has been filed challenging the proceedings initiated by the respondents against the petitioner under Section 138 of Negotiable Instruments Act.



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2. The grounds raised by the counsel for the petitioner are all factual in nature and it requires appreciation of evidence and this Court cannot decide the same in exercise of its jurisdiction under Section 482 of Criminal Procedure Code. The facts of this case and grounds raised the quash petition does not fall within the parameters laid down by the Apex Court in Bhajan Lal case reported in (1992) Suppl (1) SCC 335. It is left open to the petitioner to raise all the grounds before the Court and the same shall be considered on its own merits and in accordance with law. This Court is not inclined to interfere with the proceedings pending before the Court below.

3. The learned counsel for the petitioner requested this Court to dispense with the presence of the petitioner. Taking into consideration, the facts and circumstances of the case, the presence of the petitioner is dispensed with and he shall be represented by a counsel, who shall cross examine the witnesses on the same day, they are examined in Chief. The petitioner shall be present before the Court below at the time of questioning under Section 313 Cr.P.C and at the time of passing of the final judgement.

4. Accordingly, this Criminal Original Petition is dismissed and the Court



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below is directed to complete the proceedings in C.C.No.1682 of 2016,, within a period of three months from the date of receipt of copy of this order. Consequently, the connected miscellaneous petition is also closed.

15.02.2024

Index : Yes/No

Speaking order: Yes/No

Neutral citation: Yes/No

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To

1.The Metropolitan Magistrate Court/Fast Track Court No.2,
Egmore at Allikulam, Chennai

2.The Public Prosecutor,
High Court, Madras.



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N.ANAND VENKATESH, J

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