



Crl.O.P.No.4516 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.3.2024

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P No.4516 of 2024
& Crl.M.P.Nos.3321 & 3322 of 2024

K.A.Vigneshwaran

...Petitioner

Vs.

Dr.M.Lavanya

...Respondent

Petition under Section 482 of the Criminal Procedure Code praying to call for the records relating to the proceedings in C.C. No.307 of 2019 pending on the file of the Fast Track Judicial Magistrate No.1, Coimbatore and quash the same.

For Petitioner : Mr.B.Nedunchezhiyan

ORDER

This is a petition filed by the petitioner challenging the proceedings in C.C.No.307 of 2019 pending on the file of the Fast Track Judicial Magistrate No.1, Coimbatore initiated by the respondent against the petitioner under Sections 138 and 142 of



Crl.O.P.No.4516 of 2024

Negotiable Instruments Act.

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2. The grounds raised by the counsel for the petitioner are all factual in nature and they require appreciation of evidence and this Court cannot decide the same in exercise of its jurisdiction under Section 482 of the Criminal Procedure Code. The facts of this case and grounds raised the quash petition do not fall within the parameters laid down by the Apex Court in the case of ***Bhajan Lal [reported in (1992) Suppl (1) SCC 335]***. It is left open to the petitioner to raise all the grounds before the Court below 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. It is brought to the notice of this Court that the trial has already commenced in this case.

4. The learned counsel for the petitioner requested this Court to dispense with the presence of the petitioner.



CrI.O.P.No.4516 of 2024

5. 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 when they are examined in Chief. The petitioner shall be present before the Court below at the time of questioning under Section 313 of the Criminal Procedure Code and at the time of passing of the final judgement.

6. Accordingly, this Criminal Original Petition is dismissed and the Court below is directed to complete the proceedings in C.C.No.307 of 2019 within a period of three months from the date of receipt of copy of this order. Consequently, the connected miscellaneous petitions also are also dismissed.

01.3.2024

Index : Yes/No

Neutral Citation : Yes/No

Speaking Order : Yes/No

To

1.The Fast Track Judicial Magistrate No.1, Coimbatore.

2.The Public Prosecutor, High Court, Madras.

3/4



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Crl.O.P.No.4516 of 2024

N.ANAND VENKATESH,J

ssr

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