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Crl.O.P.No.4781 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.4781 of 2024

G.Sugantharani

...Petitioner

Vs.

T.Krishnamoorthy

...Respondent

Petition under Section 482 of the Criminal Procedure Code praying to call for the records in a complaint filed under Section 138 of the Negotiable Instruments Act against the petitioner in S.T.C.No.216 of 2022 pending on the file of the learned Judicial Magistrate-cum-Fast Track Court, Ambattur and quash the same.

For Petitioner : Mr.J.Sushil Rajkumar

ORDER

This is a petition filed by the petitioner challenging the proceedings initiated by the respondent against the petitioner under Section 138 of Negotiable Instruments Act in S.T.C.No.216 of 2022 pending on the file of the learned Judicial Magistrate-cum-Fast Track Court, Ambattur.



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

4. Taking into consideration, the facts and circumstances of the case, the presence of the petitioner is dispensed with and she 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



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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.

5. Accordingly, this Criminal Original Petition is dismissed and the Court below is directed to complete the proceedings in S.T.C.No.216 of 2022 within a period of six months from the date of receipt of copy of this order.

01.3.2024

Speaking Order : Yes/No
Index: Yes/No
Neutral Citation : Yes/No

To
1.The Judicial Magistrate-cum-
Fast Track Court, Ambattur.
2.The Public Prosecutor,
High Court, Madras.

ssr



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N.ANAND VENKATESH,J

ssr

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