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CrI.O.P.No.5503 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CrI.O.P.No.5503 of 2024

And

CrI.M.P.Nos.4016 and 4018 of 2024

P.Lalitha

... Petitioner

Vs.

T.Krishnamoorthy

... Respondent

Prayer:

Petition filed under Section 482 of Cr.P.C., seeking to call for the records in S.T.C.No.215 of 2022, pending on the file of the learned JM-FTC at Ambattur and quash the same by allowing this petition.

For Petitioner : Mr.Sushil Rajkumar

O R D E R

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

2.The grounds raised by the counsel for the petitioner are all



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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 in 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 she 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 framing charges, at the time of questioning under Section 313 Cr.P.C., at the time of passing of the final judgement and as and when required. The petitioner shall execute a bond under Section 88 of Cr.P.C. before the Court below.



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4. Accordingly, this criminal original petition is dismissed and the Court below is directed to complete the proceedings in S.T.C.No.215 of 2022, within a period of four months from the date of receipt of copy of this order. Consequently, the connected miscellaneous petitions are closed.

07.03.2024

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Index: Yes/ No

Speaking Order: Yes/ No

NCC: Yes/ No

To

1.The JM-FTC at Ambattur.

2.The Public Prosecutor,
High Court of Madras,
Chennai 600 104.



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