



WEB COPY



Crl.O.P.No.4119 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.02.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.4119 of 2024

And

Crl.M.P.Nos.3051 and 3055 of 2024

Kavitha

... Petitioner

Vs.

Josephine Dhanalakshmi

... Respondent

Prayer:

Petition filed under Section 482 of Cr.P.C., seeking to call for the records in S.T.C.No.1110 of 2018 pending on the file of the learned Judicial Magistrate II at Karaikal and to quash the same as against this petitioner.

For Petitioner : Mr.R.C.Paul Kanagaraj

ORDER

The criminal original petition has been filed challenging the proceedings in S.T.C.No.1110 of 2018, on the file of the learned Judicial Magistrate II at Karaikal.

2.The grounds raised by the learned counsel for the petitioner



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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 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 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 below is directed to complete the proceedings in S.T.C.No.1110



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of 2018, within a period of three months from the date of receipt of copy of this order. Consequently, the connected miscellaneous petitions are closed.

23.02.2024

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Index: Yes/ No
Speaking Order: Yes/ No
NCC: Yes/ No

To

- 1.The Judicial Magistrate II at Karaikal.
- 2.The Public Prosecutor,
High Court of Madras,
Chennai 600 104.



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N.ANAND VENKATESH,J.
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