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Crl.O.P.No.7146 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.03.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.7146 of 2024

and

Crl.M.P.Nos.5194 & 5216 of 2024

A.Latha

.. Petitioner

Vs.

1.State,

Rep. by Inspector of Police,
Central Crime Branch (CCB),
EDFI – Team, Avadi,
Chennai – 600 054.

2.D.Muninathan

.. Respondents

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to call for the entire records in C.C.No.364 of 2023 dated 02.08.2023 with respect to this petitioner / 2nd accused, pending on the file of Judicial Magistrate Court – I, Poonamallee, to quash the same.

For petitioner	:	Mr.M.Kempraj
For R1	:	Mr.A.Damodaran Additional Public Prosecutor
For R2	:	Mr.V.Balu (for Intervenor)



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ORDER

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The Criminal Original Petition has been filed to quash the proceedings in C.C.No.364 of 2023 dated 02.08.2023 with respect to petitioner / 2nd accused, pending on the file of Judicial Magistrate Court – I, Poonamallee.

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 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 also brought to the notice of this Court that trial has commenced in this case and P.W.1 to P.W.5 have been examined. This is



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yet another reason as to why this Court is not inclined to entertain this quash petition.

4.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 questioning under Section 313 Cr.P.C., at the time of passing of the final judgement and as and when required by the Court below. The petitioner shall appear before the concerned Court and execute a bond under Section 88 Cr.P.C..

5.Accordingly, this Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings in C.C.No.364 of 2023, as expeditiously as possible. The trial shall be conducted on a day to day basis in accordance with the guidelines given by Hon'ble Supreme Court reported in *Vinod Kumar Vs State of Punjab [2015 (1)*



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MLJ (Crl) 288 SC/. If the petitioners adopts any dilatory tactics, it is open to the trial Court to insist upon the presence of the petitioners and remand him to custody as per the judgment of the Hon'ble Supreme Court in **STATE OF UTTAR PRADESH VS. SHAMBHU NATH SINGH (JT 2001 (4) SC 3191)**. Consequently, connected miscellaneous petitions are also closed.

25.03.2024

krk

Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No

To

- 1.The Judicial Magistrate Court – I,
Poonamallee.
- 2.State,
Rep. by Inspector of Police,
Central Crime Branch (CCB),
EDFI – Team, Avadi,
Chennai – 600 054.
- 3.The Public Prosecutor,
Madras High Court, Chennai.



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N.ANAND VENKATESH, J.

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