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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.03.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P No.7591 of 2024
and Crl.MP.Nos.5504 & 5505 of 2024

Raghavi Rajasekar

...Petitioner/Accused

.Vs.

Kusum Kuwar

.. Respondent /Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records in STC PC.No.7233 of 2022, pending before the XXVI Metropolitan Magistrate at Egmore and quash the same.

For Petitioner : Mr.S.Ramizh Selvan

ORDER

This petition has been filed to quash the proceedings in STC PC.No.7233 of 2022, pending before the XXVI Metropolitan Magistrate at Egmore.

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



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 initial questioning under Section 251 of Cr.P.C., 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.

4. Accordingly, this Criminal Original Petition is dismissed and the Court below is directed to complete the proceedings in STC PC.No.7233 of 2022, within a period of six months from the date of receipt of copy of this order. Consequently, the connected miscellaneous petitions are also closed.

28.03.2024

Index: Yes/No
Speaking Order/Non Speaking Order
kp



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To
XXVI Metropolitan Magistrate
Egmore.

N.ANAND VENKATESH.,J



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