



CrI.OP.No.6820 of 2024

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.03.2024

CORAM:

THE HONOURABLE **MR.JUSTICE N.ANAND VENKATESH**

CrI.OP.No.6820 of 2024
and CrI MP Nos.5001 and 5003 of 2024

Usha

... Petitioner

Vs.

M/s.Pinnacle Finance,
Rep. By its partner Mr.Dharmesh kumar
No.963, Poonamalle High Road,
Crescent Court, Suit No.21,
Purasaiwalkam
Chennai 600 084

... Respondent

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the entire records in STC No 2707 of 2023 on the file of the Learned Metropolitan Magistrate Fast Track IV George Town Chennai and quash the same

For Petitioner : Mr.W.Camyles Gandhi



CrI.OP.No.6820 of 2024

WEB COPY

ORDER

This petition has been filed challenging the proceedings initiated by the respondent against the petitioner under Section 138 r/w Section 142 of Negotiable instruments Act.

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 in the quash petition do not fall within the parameters laid down by the Apex Court in *State of Haryana and others v. Bhajanlal and others [(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.



CrI.OP.No.6820 of 2024

WEB COPY

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 questioning under Section 313 Cr.P.C and at the time of passing of the final judgment and as and when required.

4. Accordingly, this Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings in STC No 2707 of 2023, within a period of six months from the date of receipt of a copy of this order. 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) MLJ (Crl) 288 SC]*. If the petitioner adopts any dilatory tactics, it is open to the trial Court to insist upon the presence of the petitioner and remand him to custody as per the judgment of the Hon'ble Supreme Court in **STATE OF UTTAR**

Page No.3/5



CrI.OP.No.6820 of 2024

PRADESH VS. SHAMBHU NATH SINGH (JT 2001 (4) SC 3191).

Consequently, connected miscellaneous petitions are also closed.

21.03.2024

Index: Yes/No

Internet: Yes/No

Speaking order : Yes/No

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CrI.OP.No.6820 of 2024

N.ANAND VENKATESH, J.,

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To

1. Metropolitan Magistrate Fast Track IV George Town Chennai
2. The Public Prosecutor,
High Court, Madras.

CrI.OP.No.6820 of 2024

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