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CrI.O.P.No.9817 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CrI.O.P.No.9817 of 2023

And

CrI.M.P.Nos.6442 and 6445 of 2023

Mrs.Preethi

... Petitioner

Vs.

Paramasivam [died]
Rep. by its Legal heirs
1.P.Jayalakshmi
2.M.Jothi
3.P.Kalaivani
4.B.Poonguzhali
all are represented by its
Power of Attorney Agent
Mr.L.Balaji

... Respondents

Prayer:

Petition filed under Section 482 of Cr.P.C., seeking to call for the records, quash the proceedings in C.C.No.277 of 2022 on the file Fast Track Court, Judicial Magistrate at Alandur.

For Petitioner : Mr.R.John Sathyan
Senior Counsel
for M/s.P.M.Sozhendran

For Respondents : Mr.Sanjeev
for M/s.S.S.Santhosakumar



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ORDER

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This petition has been filed challenging the proceedings initiated by the respondents against the petitioner under Sections 138 and 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 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



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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 C.C.No.277 of 2022, within a period of three months from the date of receipt of copy of this order. Consequently, the connected miscellaneous petitions are closed.

06.02.2024

pri

Index: Yes/ No

Speaking Order: Yes/ No

NCC: Yes/ No

To

1.The Fast Track Court,
Judicial Magistrate at Alandur.

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



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