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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.03.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P No.26504 of 2023
and CrI.MP.Nos.18434 & 18435 of 2023

Mrs.Sridevi

...Petitioner/Accused

.Vs.

Mrs.V.Maharani

.. Respondent/Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records in STC No.1941 of 2023 on the file of the Metropolitan Magistrate Court (FTC No.III), Saidapet, Chennai quash the same.

For Petitioner : Mrs.N.Susan Mary

ORDER

This petition has been filed challenging the proceedings initiated by the respondent against the petitioner under Section 138 of Negotiable Instruments Act, in STC No.1941 of 2023, pending on the file of the Metropolitan Magistrate Court (FTC No.III), Saidapet, Chennai.

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

<https://www.mhco.org.in/cases/> 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.

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 framing of charges and answering the charges and 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 disposed of with a direction to the Court below to complete the proceedings in STC No.1941 of 2023, within a period of six months from the date of receipt of 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 PRADESH VS. SHAMBHU NATH SINGH (JT 2001 (4) SC 3191)**. Consequently, connected miscellaneous petitions are closed.

11.03.2024

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

To
Metropolitan Magistrate Court (FTC No.III)
Saidapet, Chennai.



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