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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.01.2025

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P No.19113 of 2022

and

CrI.MP (MD) Nos.12913 and 12914 of 2022

Dharani

...petitioner/Accused No.5

Vs.

1. The State Rep. By
Inspector of Police,
AWPS Theni, Theni District.
Crime No.53 of 2021

..1st respondent/
Complainant

2. Nagarani

..2nd respondent /
Defacto Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, praying to call for the records and quash the impugned proceedings in C.C.No.197 of 2022 on the file of respondent police.

For Petitioner

: Mr.S.Ramsundarvijayraj



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For Respondents

: Mr.S.Ravi
Adl.Public Prosecutor
for 1st respondent

ORDER

This petition has been filed challenging the proceedings initiated by the respondent against the petitioner under Sections 294(b), 406, 417, 495, 498(A), 506(1) of IPC and Section 4 of Dowry Prohibition Act, 1961.

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. 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.



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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 he 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 at the time of framing of charges and at the time of questioning under Section 313(i)(b) Cr.P.C and at the time of passing of the final judgement.

4. Accordingly, this Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings in CC No.197 of 2022 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*



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Punjab [2015 (1) MLJ (Crl) 288 SC]. If the petitioner adopt any dilatory tactics, it is open to the trial Court to insist upon the presence of the petitioner and remand her 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.

24.01.2025

Index: Yes/No
Internet: Yes/No
PKN

To

1. The State Rep. By
Inspector of Police,
AWPS Theni, Theni District.
2. The Addl. Public Prosecutor,
Madurai Bench of Madras High Court.



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N.ANAND VENKATESH.J.,

PKN

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