

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.06.2015

CORAM

The Hon'ble Mr. Justice R.S.Ramanathan

Crl.O.P.Nos 20727 & 20732 of 2010
and
M.P.Nos.1 and 1 of 2010

1. R.Palanisamy
Proprietor
M/s.Sri Venkateswara Textiles,
 2. P.Kaliappan
Power of Attorney Holder of
M/s.Sri Venkateswara Textiles
-Petitioners in both
Crl.O.Ps.

vs.

S.Sakuntala
Proprietrix
M/s.Sri Amman Yarns,
rep. by Power Agent,
R.K.Shanmugam.

....Respondent in both Crl.O.Ps.

Prayer in both Crl.O.Ps. Criminal Original Petitions filed under Section 482 of the Criminal Procedure Code to call for records relating to the criminal proceedings in C.C.Nos.214 and 215 of 2004, on the file of the Judicial Magistrate, Palladam, and to quash the same.

For Petitioner : Mr.V.Anandhamoorthy

COMMON ORDER

It is submitted by the learned counsel appearing for petitioners that complaints were filed beyond the period of limitation, and though applications were filed to condone the delay, without passing any order in those applications, the Court has taken cognizance of the same. Therefore, the complaints are liable to be quashed.

2. I am unable to accept the contention of the learned counsel appearing for petitioners. It is admitted by the learned counsel appearing for petitioners that applications to condone the delay were filed, but without passing any order in those applications, the Court has taken cognizance of the complaints. To substantiate the same, no materials have been furnished by the petitioners before this

Court. Even assuming that the complaints were filed beyond the period of limitation and no order was passed in applications filed to condone the delay, the complaints cannot be quashed on that ground.

3 Hence, the Criminal Original Petitions are dismissed. It is open to the petitioners to raise same plea before the Trial Court and the Trial Court can also consider the same and pass orders in accordance with the judgement reported in C.D.J. (2015) MHC 781 in the matter of (A.Rahamathullah @ Maulana Vs. P.A.K. Manoharan). The Trial Court is directed to dispose of the cases in C.C.Nos. 214 and 215 of 2004, within a period of four months from the date of receipt of a copy of this order. Consequently, connected M.Ps are closed.

Sd/-

Assistant Registrar

True Copy

Sub Assistant Registrar

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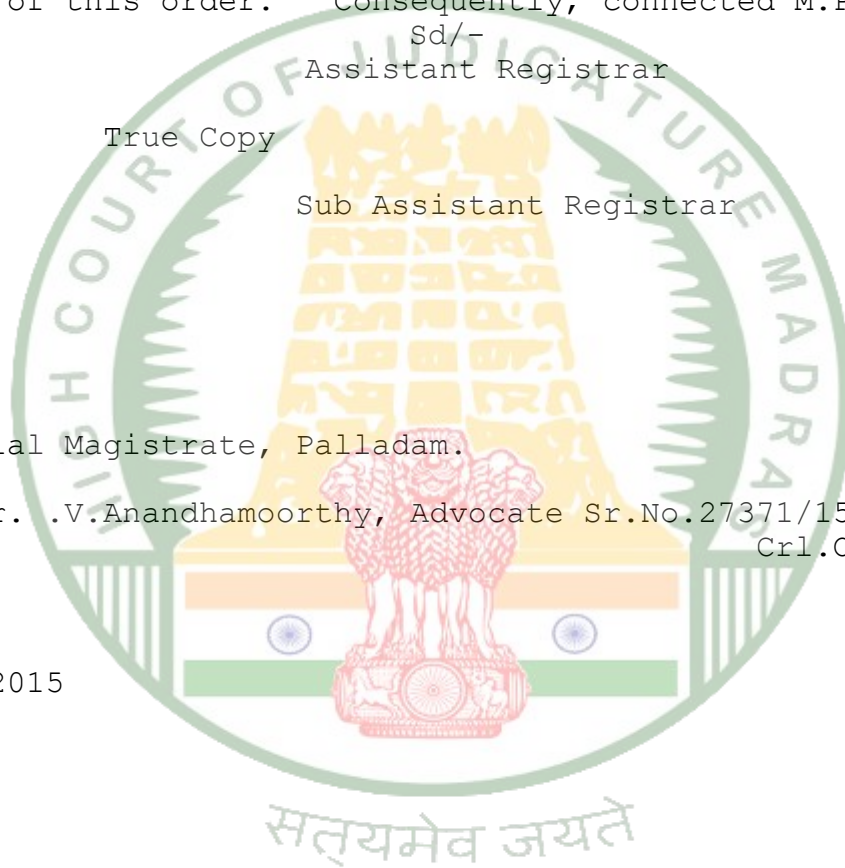
To

The Judicial Magistrate, Palladam.

1 cc to Mr. .V.Anandhamoorthy, Advocate Sr.No.27371/15

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