

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.09.2017

CORAM:

THE HONOURABLE MR.JUSTICE C.T. SELVAM

Crl.O.P.No.8078 of 2017 &

CRL.M.P.No.5882 of 2017

and

Contempt Petition No.2825 of 2016

Crl.O.P.No.8078 of 2017

S.B.Goyanka

Director,

Foods, Fats & Fertilizers Ltd.,

... Petitioner

Versus

1. Inspector of Police,

E-5, Pattinapakkam Police Station,

Chennai - 28.

1st Respondent/Complainant

2. G.Karthik

S/o.Ganapathy

3. Veluvurugan

S/o.Arumugam

... Respondents/Accused 1 and 2

Cont.P.No.2825 of 2016

G.Karthik

Petitioner

Vs

1. M/s.Foods Fats & Fertilizers Ltd.,

rep. by its Director

Mrs.S.B.Goenka

7th Floor, "Fountain Plaza",

Pantheon Road,

Egmore, Chennai-600 008.

Prayer in Crl.O.P.No.8078 of 2017: Criminal Original Petition filed under section 482 of the Code of Criminal Procedure praying to issue a direction directing the trial Court to recall the Subpoena dated 2.3.2017 issued in C.C.No.5059 of 2015 and proceed with trial without insisting on the presence of the petitioner who is aged 78 years and who has been under medical observation, as the petitioner is a total stranger to the entire proceedings in C.C.No.5059 of 2015.

Prayer in Cont.Petition No.2825 of 2016: Contempt Petition filed under Section 11 of the Contempt Act, 1971 praying to punish the respondent for willful disobedience of order dated 20.07.2015 passed in CRP.No.1961 of 2015 on the file of this Hon'ble Court.

For Petitioner : Mr.R.Shanmugam
in Crl.O.P.8078/2017

For Respondents : Mr.V.Arul
in Crl.O.P.8078/2017 : Additional Public Prosecutor
for R1
Mr.P.B.Balaji for R2

For Petitioner : Mr.P.B.Balaji
in Cont.P.No.2825/2016

For Respondents : Mr.R.Shanmugam
in Cont.P.No.2825/2016

ORDER

Petitioner seeks a direction to the trial Court to recall the Subpoena dated 2.3.2017 issued in C.C.No.5059 of 2015 and proceed with trial without insisting on the presence of the petitioner who is aged about 78 years and who has been under medical observation, as the petitioner is a total stranger to the entire proceedings in C.C.No.5059 of 2015..

2. Heard learned counsel for petitioner, learned Additional Public Prosecutor and learned counsel for second respondent.

3. The direction as sought for, cannot be issued in the case, wherein the petitioner's son is the complainant. The petitioners's son has presently sworn to an affidavit informing that he intended to withdraw the complaint case.

4. In the circumstances, in exercise the powers under Section 482 Cr.P.C., and keeping with Section 258 Cr.P.C., the case in C.C.No.5059 of 2015 on the file of XXIII Metropolitan Magistrate, Saidapet, Chennai-600 015 shall stand quashed.

5. The Criminal Original Petition is disposed of. Consequently, connected miscellaneous petition is closed. The affidavit of Jitendra Goenka S/o.S.B.Goenka (Petitioner) dated 31.08.2017 shall form part of the records.

6. In view of the order passed in CrI.O.P.No.8078 of 2017, the Contempt Petition No.2825 of 2016 shall stand closed.

Sd/-
Assistant Registrar

/TRUE COPY/

Sub Assistant Registrar

kmi

To

1.The Inspector of Police,
E-5, Pattinapakkam Police Station,
Chennai - 28.

2.The XXIII Metropolitan Magistrate,
Saidapet, Chennai-600 015.

3.The Public Prosecutor,
High Court, Madras.

COPY TO

The Section Officer, Contempt Section,
High court, Madras.

CrI.O.P.No.8078 of 2017
and

Contempt Petition No.2825 of 2016

T.R (10/11/2017)

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