



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 24.01.2019

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THE HONOURABLE MR. JUSTICE M.V.MURALIDARAN

Crl. O.P. Nos. 29361 and 29362 of 2010 and
M.P.Nos1,1,2 and 2 of 2010

1. V. Rajitha
2. V. Girish Kumar ... petitioners
(Rep .by Authorised Signatory
R.Chandra Mohan

versus

M/s The Waterbase Limited
No.22, Sadasivam Street,
Gopalapuram, Chennai - 86Respondents

Prayer in both the Crl O.P's : These Criminal Original Applications are filed Under Section 482 of Code of Criminal Procedural Code to call for the records and quash the proceedings in respect of the petitioners in C.C.No.7769 of 2010 and C.C.No.7768 of 2010 Respecively pending before the Hon'ble XVIII Metropolitan Magistrate Court, Saidapet, Chennai.

(In both the Crl.O.Ps)

For Petitioners : Mr.R. Chandran
For Respondent : Mr.S.A.Rajan

COMMON ORDER

These Criminal Original Applications were filed Under Section 482 of Code of Criminal Procedural Code to call for the records and quash the proceedings in respect of the petitioners above said in C.C.No.7769 of 2010 and C.C.No.7768 of 2010 pending before the Hon'ble XVIII Metropolitan Magistrate Court, Saidapet, Chennai.

2. This Court by order dated 07.01.2019 dismissed Crl.O.P.Nos. 29361 and 29362 of 2010 filed by the petitioners on the ground that this is not the appropriate case for this Court to exercise powers under Section 482 Cr.P.C to quash the complaints against the petitioners. The relevant portion of the said order in para Nos.10,11 and 12 is extracted hereunder:



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10. Accordingly the complaints on hand require a Full-fledged trial. Therefore, I am of the opinion that the cases on hand are not the appropriate cases for this Court to exercise powers under Section 482 of Cr.P.C to quash the complaints against the petitioners. Accordingly both the petitions are hereby dismissed.

11. However it is made clear that the dismissal of above complaint shall not be taken by the Trial Court as an endorsement over the allegation made against the petitioner in complaint. The Trial Court is directed to dispose of these complaints uninfluenced by the dismissal of these Criminal Original petitions.

12. In the result:

a) both the Criminal Original petitions are dismissed;

b) the learned XVIII Metropolitan Magistrate Saidapet is directed to proceed the cases in C.C.Nos.7769 and 7768 of 2010 respectively and dispose the same within a period of 3 months from the date of receipt of a copy of this order without influenced by any points given in this order;

c) The petitioners/accused are given liberty to raise all these grounds in both the Criminal Original Petitions before the learned XVIII Metropolitan Magistrate Saidapet in C.C.Nos.7769 and 7768 of 2010. Consequently connected miscellaneous petitions are closed.

3. When the matter is taken up for hearing on 07.01.2019, the learned counsel produced a copy of the order dated 08.06.2017 passed in CrI.O.P.Nos 447 to 450 of 2011, wherein, in respect of the very same parties, this Court allowed the petitions. Hence, this matter is posted today under the caption "for clarification". When the matter is taken up for hearing today, the learned counsel for the petitioners made a representation that both the Criminal Original petitions should be allowed and further stated that totally there are eight cases against the petitioners out of which six cases were allowed by this Court and he further prays to reconsider the previous order dated 07.01.2019 passed by this Court and also produced the order dated 13.03.2017 passed in CrI.O.P.Nos.21578 and 21579 of 2011, wherein this Court allowed the Criminal Original Petitions by quashing the proceedings in C.C.Nos.2022 and 2023 of 2011.



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4. In view of the orders passed by this Court in respect of the very same parties, this Court does not intend to take a different view in this matter. In the result, the order dated 07.01.2019 is recalled and both the Criminal Original Petitions are allowed and the proceedings in C.C.Nos 7769 and 7768 of 2010 pending on the file of XVIII Metropolitan Magistrate Court, Saidapet, Chennai are quashed. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

smn

To

1. The XVIII Metropolitan Magistrate Court, Saidapet, Chennai.

2.do thro'The Chief Metropolitan Magistrate, Chennai.

+1cc to M/s.G.Sridevi, Advocate SR.No. 5566

Cr1.O.P.Nos. 29361 &29362 of 2010
and
M.P.Nos.1,1,2 and 2 of 2010

A.SK(22/02/2019)