IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No. 17064 of 2018
and
Crl.MP.Nos.8818 & 8819 of 2018 and 1000 of 2019

Prathyusha Power Gen Pvt. Ltd
rep. by its Managing Director,
103, Prince Towers,
No.25/26, College Road,
Chennai-600006. .. Petitioner/2nd Accused

Vs.

M/s. Exide Industries Ltd, Hosur-Taluk
rep. by its Regional Manager -Administration
Mr K. Saravanan,
at Survey No. 246, Chirchurakanpalli,
Sevaganapalli Panchayat, Hosur Taluk,

Krishnagiri - 635103 ..Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records in C.C. No. 110 of 2017 on the file of the learned Judicial Magistrate-I, Hosur and quash the same.

For Petitioner : M/s.P.H.Manoj Pandian

For Respondent : Mr. Jayesh B. Dolia
for M/s. Aiyar and Dolia

O R D E R

The prayer in the present petition is to call for the records in C.C. No. 110 of 2017 on the file of the learned Judicial Magistrate-I, Hosur and quash the same

2. Heard both sided and perused the documents available on record.

3. On perusal of records, it is seen that the learned Judicial Magistrate No. I, Hosur has taken cognizance under

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Sections 417, 406, 403, 463, 464, 465, 468, 472 and 477 A of IPC as against the accused persons without conducting enquiry under Section 202 Cr.PC. Therefore the cognizance taken by the learned Judicial Magistrate No.I,Hosur cannot be sustained as against the petitioner.

4. In view of the above, the order of cognizance taken dated 13.12.2017 is set aside. The matter is remand back to the learned Judicial Magistrate No.I, Hosur for conducting enquiry under Section 202 Cr.PC. Accordingly, the learned Magistrate No.I, Hosur is directed to conduct enquiry under Section 202 Cr.PC and thereafter, if any cognizance is made out as against the petitioner, take cognizance in accordance with law, within a period of four (4) weeks from the date of receipt of a copy of this order.

With the above directions, the Criminal Original Petition is disposed of. consequently, connected Miscellaneous Petition are closed.

Sd/-
Assistant Registrar(CS-III)

//True copy//

Sub Assistant Registrar

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To

1. The Judicial Magistrate No.I, Hosur.

2. The -do - Through The Chief Judicial Magistrate, Krishnagiri. Madras.

+1cc to Mr.AAV Partners, Advocate SR.No.22501

+1cc to M/s. Aiyar and Dolia, Advocate SR.No.21290

Crl.O.P.No. 17064 of 2018
and
Crl.MP.Nos.8818 & 8819 of 2018
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