

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.07.2019

CORAM

THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

Crl.O.P.No.20100 of 2019

and

Crl.M.P.No.10315 of 2019

K. Ragothaman, (Age 69 years)
Sri Sekar Industries,
Sole Proprietor,
112/A, Salem Main Road,
Anguchettipalayam,
Cuddalore-607 106

... Petitioner

Vs.

State of Tamil Nadu,
Rep.by its
Deputy Director,
Industrial Safety and Health,
Cuddalore.

... Respondent

PRAYER : Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to CC.No.155/2019 pending on the file of the Chief Judicial Magistrate, Cuddalore and quash the same.

For Petitioner : M/S.S.Karthikei Balan

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

This petition has been filed seeking to quash the proceedings in C.C.No.155/2019 pending on the file of the Chief Judicial Magistrate, Cuddalore.

2.The respondent filed a private complaint against the petitioner for an offence under Section 7(1) Rule 12 r/w 92 and Section 31 Rule 56B r/w 92 of Factories Act, 1948 for the short comings /deficiencies that were found out at the time of conducting the inspection in the factory premises. During the pendency of the complaint, the defects, that were pointed out

were rectified to the satisfaction of the respondent. Therefore, the respondent had filed a petition under Section 321 of Cr.P.C., for withdrawing the case. The Court below however thought it fit not to permit the withdrawal of petition and wanted to go-ahead with the trial. Therefore, the present petition has been filed seeking to quash the proceedings.

3. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor on behalf of the respondent.

4. Taking into consideration, the facts and circumstances of the case and the nature of offence that has been projected in this case and the subsequent events that have taken place wherein the prosecution itself did not want to prosecute the case, this Court is of the considered view, that the pendency of the proceedings against the petitioner will be an abuse of process of Court and the petitioner need not be made to face the trial unnecessarily. This Court also takes into the consideration the age of the petitioner, who is nearly aged about 70 years. The Court below will be keeping a stale prosecution pending without any purpose.

5. In exercise of jurisdiction under Section 482 of Cr.P.C., this Court is inclined to interfere with the proceedings pending before the Court below.

6. In the result, the proceedings in C.C.No.155/2019 pending on the file of the learned Chief Judicial Magistrate, Cuddalore is hereby quashed, and the Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

//True Copy//

सत्यमेव जयते

Sub Assistant Registrar

ssr

To

1. The Chief Judicial Magistrate,
Cuddalore.

2. The Deputy Director,
Industrial Safety and Health,
Cuddalore.

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3.The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.20100 of 2019
and Crl.M.P.No.10315 of 2019

CP (CO)
GN(22/08/2019)



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