

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.04.2019

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL.OP.No.723 of 2017

and CRL.M.P.Nos.575 & 576 of 2017

Mrs.A.Alamelu Padmavathy

...Petitioner

Vs.

Mr.V.K.Kumar Gaurav.

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records and set aside the order dated 4.1.2017, made in Crl.M.P.No.5746 of 2016 in C.C.No.1126/2012, pending on the file of learned Metropolitan Magistrate Fast Track Court-I, Egmore, Chennai.

For Petitioner : No appearance

For Respondent : Mr.K.Prem Kumar

O R D E R

The Criminal Original Petition has been filed to set aside the order dated 4.1.2017, made in Crl.M.P.No.5746 of 2016 in C.C.No.1126 of 2012, pending on the file of the learned Metropolitan Magistrate Fast Track Court-I, Egmore at Allikulam Chennai-3.

2. There is no representation on the side of the petitioner. Heard, Mr.K.Prem Kumar, learned counsel appearing for the respondent and perused the materials available on record.

3. The relevant portion of the order dated 4.1.2017, made in Crl.M.P.No.5746 of 2016 in C.C.No.1126 of 2012, passed by the learned Metropolitan Magistrate Fast Track Court-I, Egmore at Allikulam Chennai-3 is extracted hereunder:

"The Complainant/Respondent has objected stating that the accused is running a lab in the name and style M/s Endocare diagnostic Centre and she is much powerful get any type of certificate and objected strongly for allowing this petition. The Medical

certificate perused, it is doesn't even bear the name of the doctor by whom it was issued. Hence this court is of the opinion that as the case is pending from 2012 and copies were not yet furnished to accused and as the accused hasn't made her appearance before this court, this petition cannot be allowed at this juncture and the Petitioner/Accused is at liberty to file the petition U/s 317 crpc at times of utmost necessity.

In result, this petition hereby stands dismissed."

4.In view of the above, this Court finds no infirmity or illegality in the order dated 4.1.2017, made in Crl.M.P.No.5746 of 2016 in C.C.No.1126 of 2012, on the file of the learned Metropolitan Magistrate Fast Track Court-I, Egmore at Allikulam Chennai-3. Therefore, this Court is not inclined to set aside the same.

5.With the above observation, the Criminal Original Petition is dismissed. Consequently, connected miscellaneous petitions are closed.

sd/
ASSISTANT REGISTRAR

/TRUE COPY/

SUB-ASSISTANT REGISTRAR

To,

The Metropolitan Magistrate,
Fast Track Court-I,
Egmore, Chennai.

सत्यमेव जयते

CRL.OP.No.723 of 2017
and CRL.M.P.Nos.575 & 576 of 2017

GF II
MK:08/06/2019

WEB COPY