



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.10.2019

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P.(MD).No.4745 of 2017

and

Crl.M.P.(MD) Nos.11195, 3346 & 3347 of 2017

1) M/s.Nila Aathithan Paper Industries(P) Ltd.,
Rep. through its Proprietor,
Mr.DhanaPaul,
Door No.238, Pudhupattu village,
Allappakkam Post,
Kaveripakkan,
Vellore District - 632 508

2) Dhanapaul ... Petitioners/
Accused Nos.1& 2

vs.

M/s.Jerly Electronics and Cooling Services,
Rep. through its one of
partner Mr.F.Ashok Kumar,
No.177, Karpaga Nagar 5th Street,
K.Pudur, Nadurai 625 007

... Respondent/
Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to call for the records in S.T.C.No.302 of 2016 on the file of the Judicial Magistrate No.2, Fast Track Magistrate Level, Madurai and quash the same as illegal.

For Petitioners : Ms.C.R.Ponnuthai

For Respondent : Mr.V.R.Venkatesan

O R D E R

This Criminal Original Petition has been filed to call for the records in S.T.C.No.302 of 2016 on the file of Judicial Magistrate No.2, Fast Track Magistrate Level, Madurai and quash the same in respect of Petitioners concerned.



2.The various grounds raised by the learned counsel for the petitioners are all factual in nature and the same requires appreciation of evidence in the course of the trial and the said exercise cannot be done by this Court in exercise of its jurisdiction under Section 482 of Cr.P.C. It is left open to the petitioners to raise all the grounds before the Court below and the Court below shall consider the same on its own merits and in accordance with law. This Court does not want to interfere with the proceedings at this stage.

3.This Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings in S.T.C.No.302 of 2016 on the file of Judicial Magistrate No.2, Fast Track Magistrate Level, Madurai within a period of three months from the date of receipt of copy of this order. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CO)

// True Copy //

Sub Assistant Registrar(CS)

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To

1. The Judicial Magistrate No.2,
Fast Track Magistrate Level,
Madurai
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Order made in
Crl.O.P. (MD) .No.4745 of 2017

Dated:
17.10.2019

TR(06.11.2019) 2P 3C