

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.02.2020

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.18170 of 2013 and
Crl.M.P.No.1 of 2014

1. Anthony Jaker,
Son of L.Victor George Michael, Aged 31 years,
Branch Manager,
The Muthoot Finance Private Limited,
(Now Known as The Muthoot Broadcasting Private Limited),
Old No.6, New No.21, Arunachalam Road,
Opp. S.S.R.Pankajam, Theatre,
Saligramam, Chennai.
 2. Issac,
Son of John Thangaiya, Aged 63 years,
Branch Manager,
The Muthoot Finance Private Limited,
(Now Known as The Muthoot Broadcasting Private Limited),
AC-7, II Avenue, Anna Nagar,
Chennai-600 093.
 3. George Alexander Muthoot,
Son of M.George Muthoot, aged about 58 years,
Managing Director,
Muthoot House,
G-343, Panampilly Nagar,
Ernakulam - 682 036, Kerala.
 4. George N George,
Son of M.George Muthoot, Aged 63 years,
Executive Director (Radio),
Muthoot Chambers,
Opp.Theatre Complex,
Banerji Road,
Ernakulam-682 018.
 5. M.G.George Muthoot,
Son of M.G.George Muthoot, Aged 38 years,
Director,
Muthoot House, G-74,
East of Kailash,
New Delhi - 110 063.
- ... Petitioners

Vs.

The Indian Performing Rights Society Limited,
A Company incorporated under the
Companies Act, 1956
Having its Administrative Office
Flat No.D1, 2nd Floor,
Parson Residential Apts. 109,
G.N.Chetty Road,
T.Nagar, Chennai - 600 017.
And having its,
Registered Office at :
Golden Chambers,
New Andheri Link Road,
Andheri (West) Oshiwara,
Mumbai 400 056,
Through its authorized Rep - cum - Chairman,
Mr.Hasan Kamaal, acting
On behalf of and for the company.

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of
Cr.P.C., to call for the records on the file of the XVII
Metropolitan Magistrate Court, Saidapet Chennai in C.C.No.11657
of 2008 and quash the same.

For Petitioners : M/s.Jose John for
M/s.King & Partridge
For Respondent : M/s.AR.L.Sundaresan,
Senior Counsel for
M/s.R.Vijaya Sudha

ORDER

This Criminal Original Petition has been filed seeking to
quash the proceedings in C.C.No.11657 of 2008, pending on the
file of the XVII Metropolitan Magistrate Court, Saidapet.

2.The learned counsel appearing for the petitioners would
submit the petitioners obtained necessary license from
"Phonographic Performance Limited" to broadcast the songs
recorded in sound recordings. The respondent has initiated the
above complaint only against the individuals representing the
company without making the company as a party to the
proceedings.

3.The learned counsel for the petitioners would further
submit that without going into the merits of the case, it would

suffice, if this Court issues direction to the Trial Court to expedite the trial and complete the same as early as possible. He would further submit that the appearance of the petitioners before the Trial Court may be dispensed with and would further submit that the petitioners are ready to appear as and when necessary arise.

4.The learned counsel for the respondent concede to the request made by the learned counsel for the petitioners.

5.In view of the above, this Court directs the learned XVII Metropolitan Magistrate, Saidapet to expedite the trial in C.C.No.11657 of 2008 and complete the same within a period of three months from the date of receipt of a copy of this order. The appearance of the petitioners before the Trial Court is dispensed with. However, this order will not stand on the way of the Trial Court to insist for the appearance of the petitioners for receiving copies under Section 207 of Cr.P.C., framing of charges, questioning under Section 313 of Cr.P.C. and judgment and as and when the Trial Court feels it necessary.

6.With the above directions, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

The XVII Metropolitan Magistrate Court,
Saidapet,
Chennai.

+2cc to M/s.King and Partridge, Advocate Sr.13672
+2cc to M/s.R.Vijayasudha, Advocate Sr.13640

Cr1.O.P.No.18170 of 2013

nrl[co]
srg 12/03/2020