



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.09.2021

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Cr1.O.P.Nos.9558,9559 & 9560 of 2018
and

Cr1.M.P.Nos.4909, 4910, 4911, 4912, 4913 & 4914 of 2018

M/s. Urban Tree Infrastructure (P) Limited,
Rep. by its Director Mr. Abhisek Mehta,
having its office at No.86, old No.133,
6th Floor, Good Shepherd Tower,
Kodambakkam, High Road,
Chennai-600 034

.. Petitioners in Cr1.O.P.No.9558 of 2018

1. Abhinay Mehta
2. Abhishek Mehta

.. Petitioners in Cr1.O.P.No.9559 of 2018

1. M/S. Infinite Salts Worldwide,
A partnership firm,
Rep. by its Managing Partner Mr. Abhinay Mehta,
having its office at No.86, old No.133,
6th Floor, Good Shepherd Tower,
Kodambakkam, High Road,
Chennai-600 034

2. M/s. Urban Tree Infrastructure (P) Limited,
Rep. by its Managing Partner Mr. Abhisek Mehta,
having its office at No.86, old No.133,
6th Floor, Good Shepherd Tower,
Kodambakkam, High Road,
Chennai-600 034

3. M/s Osyan Property,
Rep. by its Managing Partner Mr. Abhisek Mehta,
having its office at No.86, old No.133,
6th Floor, Good Shepherd Tower,



Kodambakkam, High Road,
Chennai-600 034

.. Petitioners in Cr1.O.P.No.9560 of 2018

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Vs.

1. M/s. Penna Cement Industries Limited
Having registered office at
No. 705, Lakshmi Nivas, Road No.3,
Banjara Hills,
Hyderabad 500 034.
Having Zonal office at
New No.8, old No.8/1, Casa Major Road,
Egmore, Chennai-600 008
Rep. by its Deputy General Manager (Marketing)
M. Nageswar Rao

2. Krishnan Shankar .. Respondents in all Cr1.O.Ps

Common Prayer: Petition filed under Section 482 of Cr.P.C., to call for the records in C.C.No.3091 of 2015 pending on the file of the Chief Metropolitan Magistrate, Egmore at Allikulam, Chennai and quash the same.

For Petitioners : MR.A.L.Somayaji, Senior Advocate
(in all petitions) for Mr.P.H.Manoj Pandian
in Cr1.OP No.9558/18
for Mr.S.Senthil in in Cr1.OP No.9559/18
for M/s.AAV Partners in Cr1.OP No.9560/18

For 1st respondent : Mr.S.Venkatesan

O R D E R

The petitioners have filed these petition to call for the records in C.C.No.3091 of 2015 pending on the file of the Chief Metropolitan Magistrate, Egmore at Allikulam, Chennai and quash the same.

2. Though several grounds have been raised by the learned Senior counsel for the petitioners, however, this Court is of the opinion the issue involves in the present round of litigation is a triable issue and the grounds raised by the



counsel for the petitioners are all factual in nature and it requires appreciation of evidence and this Court cannot decide the same in exercise of its jurisdiction under Section 482 of Criminal Procedure Code. It is left open to the petitioners to raise all the grounds before the Court and the same shall be considered on its own merits and in accordance with law. This Court is not inclined to interfere with the proceedings pending before the Court below.

3. It is represented by the learned counsel appearing for the petitioners that this Court may issue a 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.

4. Accordingly, this petition is disposed of directing the trial court to dispose of C.C.No.3091 of 2015 as expeditiously as possible as per seniority of the case. The petitioners and respondent are directed to co-operate with the trial court for the early completion of trial. Further, taking into consideration the request as made by the learned Senior counsel for the petitioners, their appearance before the trial court is dispensed with except for their appearance for the purpose of receiving the copy of the proceedings u/s 207 Cr.P.C., framing of charges, questioning under Section 313 Cr.P.C. and on the day on which judgment is to be pronounced. However, if for any particular reason, the presence of the petitioners is necessary, the trial court, at its wisdom, shall direct their appearance on those days. Consequently, connected miscellaneous petitions, if any, are closed.

Sd/-
Assistant Registrar (CS-VI)

// True Copy //

Sub Assistant Registrar

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To

1.The Cheif Metropolitan Magistrate,
Egmore, Allikulam, Chennai.



2.The Public Prosecutor,
Madras High Court.

+3CCs to M/s.S.Venkatesan, Advocate, SR.No. 49642, 49641, 49640
+1CC to M/s.AAV Partners, Advocate, SR.No. 49938
+1CC to M/s.P.H.Manoj Pandian, Advocate, SR.No. 49937
+1CC to M/s.S.Senthil, Advocate, SR.No. 49936

Cr1.O.P.Nos.9558,9559 & 9560 of 2018

GMR(CO)
B.VC (20/10/2021)