



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

Crl.O.P.No.4002 of 2017
and
Crl.M.P.No.2985 of 2017

Radhakrishnan

...Petitioner

Vs.

Abishek Modi

...Respondent

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure (Cr.P.C) to call for the records comprised in STC No.400 of 2016 pending on the file of the Fast Track Court at Ambattur and quash the same.

For petitioner : Mr.S.Venkatesan

For Respondent : Mr.K.Murugan

O R D E R

The Criminal Original Petition has been filed to quash STC No.400 of 2016, pending on the file of the Fast Track Court at Ambattur.

2. The case of the petitioner is that the alleged complaint was filed by the Director and not by the Company. Hence, the complaint lodged by the respondent is not maintainable.

3. Heard Mr.S.Venkatesan, learned counsel for the petitioner and Mr.K.Murugan, learned counsel for the respondent.

4. Though the learned counsel appearing for the petitioner filed this petition to quash, when the matter is taken up for hearing, learned counsel appearing for the petitioner submitted that the issue is no longer res integra, in view of the decision of the Hon'ble Supreme Court made in Bhupesh Rathod Vs. Dayashankar Prasad Chaurasia and another, Criminal Appeal No.1105 of 2021. Fairness of the learned counsel appearing for the petitioner is appreciated.



5. In view of the above, this Criminal Original Petition is dismissed. However, taking note of the age of the petitioner, personal appearance of the petitioner is dispensed with, except for answering the charges, receiving copies, 313 questioning or some other date specifically fixed by the trial Court.

6. It is stated by the learned counsel appearing for the respondent that Non Bailable Warrant is pending against the petitioner. Therefore, petitioner is directed to surrender before the learned Magistrate within a period of 15 days from the date of receipt of a copy of this order and file an application under Section 436 of the Code of Criminal Procedure. The trial Court is directed to release the petitioner on bail on the same day on executing a bond for a sum of Rs.10,000/- each with two sureties. The trial Court shall dispose of the case within a period of six months from the date of receipt of a copy of this order. Consequently, connected Miscellaneous Petition is closed.

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

mvs/shk
To

The Fast Track Court,
Ambattur.

+1cc to Mr.S.Venkatesan, Advocate Sr.59094

Cr1.O.P.No.4002 of 2017

pmk[col]
srg 01/12/2021