



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.11.2021

CORAM:

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

CRL.O.P.No.14722 of 2017

and

CRL.M.P.No.9317 & 9318 of 2017

M/s.Indian Tubes,
Rep. by its Authorised Signatory,
Niyas P Asha,
S/o. Hajee,
Pudegere Main Road,
Bagalur - Jalahobli,
Bangalore North - 562 149.

...Petitioner

Versus

Mrs.L.Periyanayaki Mary,
Proprietrix of No.1 Annal Pipes,
No.6/936, Parayanthottam,
Kavindapadi Road, Thingallur,
Perundurai Taluk, Erode District.

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pending on the file of the Learned District Munsif cum Judicial Magistrate, Perundurai, Erode District in S.T.C.No.484 of 2017 and quash the Criminal proceedings. For Petitioner :

Mr.E.Kannadasan

For Respondent : Mr.M.Rajeev Gandhi
for M/s.S.Kaithamalai Kumar
P.Parthi Kannan

ORDER

This petition has been filed to quash the proceedings in S.T.C.No.484 of 2017 on the file of the learned District Munsif cum Judicial Magistrate, Perundurai, Erode District.

2. The main contention of the petitioner is that the proceedings have been initiated only against the company and no Director or person responsible for affairs of the company has been made as an accused. It is also submitted by the learned counsel for the petitioner that notice issued to the company



cannot be construed as notice issued to the Directors of the company. Therefore, mere company cannot be prosecuted.

3. Whereas, the learned counsel for the respondent submitted that the quash petition filed by co-accused in CrI.O.P.No.9446 of 2018 has been dismissed by this Court on 06.08.21.

4. In such view of the matter, this Court is not inclined to quash the proceedings and it is for the petitioner to take all the legal recourse before the trial Court and the same shall be decided by the trial Court at the time of trial taking note of the fact of non impleadment of the Directors or the persons incharge of the company.

5. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vrc

To:

The District Munsif Cum Judicial Magistrate,
Perundurai, Erode District.

+lcc to Mr.E.Kannadasan, Advocate, S.R.No.57557
+lcc to Mr.S.Kaithamalai, Advocate, S.R.No.57560

CRL.O.P.No.14722 of 2017
and
CRL.M.P.No.9317&9318 of 2017

PA(CO)
SB(03/12/2021)