



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.04.2022

CORAM

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.O.P.No.2383 of 2019

and

Crl.M.P.Nos.1545 & 1546 of 2019

1.Suryavardhan Estates Private Ltd.,
Represented by its Directors,
Mr.N.Radhakrishnan and
Mheteri Washy Sadarangani.

2.N.Radhakrishnan

3.Mheteri Washy Sadarangani

4.Vijay R. Pavani

... Petitioners

Versus

Mohammed Aniff

... Respondent

Prayer: This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code to call for all the records and quash all the proceedings in C.C.No.2687 of 2014 on the file of the learned XVIII Metropolitan Magistrate, Saidapet, Chennai.

For Petitioners: Mr.P.Kumaresan

For Respondent : No appearance

ORDER

This Criminal Original Petition has been filed by the petitioners/Suryavardhan Estates Private Ltd., represented by its Directors, namely N.Radhakrishnan and Mheteri Washy Sadarangani seeking to quash all the proceedings in C.C.No.2687 of 2014 pending on the file of the learned XVIII Metropolitan Magistrate, Saidapet, Chennai.



2. When the case came up for hearing on an earlier occasion, i.e., on 05.04.2022, there was no representation on behalf of the Respondent/defacto complainant. The learned Counsel for the Petitioners alone present in the Court. Therefore, this Court had sought remarks from the learned XVIII Metropolitan Magistrate, Saidapet, Chennai regarding the stage of the case in C.C.No.2687 of 2014 and adjourned the case to 12.04.2022.

3. Accordingly, the learned XVIII Metropolitan Magistrate had offered his remarks dated 12.04.2022. It is stated that there is no representation before the learned XVIII Metropolitan Magistrate on behalf of the Complainant. Personal appearance of accused was dispensed with by the orders of this Court in CrI.M.P.Nos.1545 and 1546 of 2019. The case was repeatedly adjourned. Recently, the case is adjourned to 06.05.2022.

4. From the submissions of the learned Counsel for the Petitioner, who is the accused before the learned XVIII Metropolitan Magistrate, the complaint itself in C.C.No.2687 of 2014 is not maintainable. The complainant is represented by his power of attorney, whose name is printed in the cause list repeatedly for each hearings, viz., on 05.04.2022 and 12.04.2022.

5. Today (i.e., 21.04.2022), the learned Counsel for the Respondent/defacto complainant is not present before this Court.

6. Based on the submissions of the learned Counsel for the Petitioners as early as on 05.04.2022, there is no materials available before Trial Court Judge to proceed with the complaint under the Criminal Laws of this country. In the light of the above, the submissions of the learned counsel for the petitioners/accused is accepted by this Court.

7. As per the reported ruling of the Hon'ble Supreme Court in the case of State of Haryana Vs. Bhajan Lal, the extraordinary power under Section 482 of Cr.P.C. is to be exercised sparingly, if there are no materials available before the Trial Court, then the power under Section 482 of Cr.P.C. can be exercised sparingly. This is not a fit case where the prayer of the complaint states "compensation", for which, the Court of the learned XVIII Metropolitan Magistrate is not the competent forum to agitate the right of the Complainant. Therefore, as pointed out by the learned Counsel for the Petitioners in his submissions, this Court is satisfied that there is no triable materials before the Trial Court to proceed with the complaint.



8. Accordingly, this Criminal Original Petition is allowed. The private complaint filed by the Respondent/defacto complainant in C.C.No.2687 of 2014 pending before the learned XVIII Metropolitan Magistrate, Saidapet, Chennai is quashed.

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

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To

- 1.The XVIII Metropolitan Magistrate,
Saidapet, Chennai.
- 2.-Do- Thro The Chief Metropolitan Magistrate,
Egmore, Chennai.
- 3.The Public Prosecutor,
Madras High Court,
Chennai.

Crl.O.P.No.2383 of 2019
and
Crl.M.P.Nos.1545 & 1546 of 2019

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srg 06/05/2022