



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.04.2022

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CRL.O.P.NOS.6886, 6890 & 6894 OF 2019

AND

CRL.M.P.NOS.3789, 3793 & 3795 OF 2019

1. R.Ramesh,
Manager,
Glow Freight Logistics Pvt Ltd.,
No.95F/1, Prashanth Nilaya,
Konena Agrahara, MES Colony,
Airport Exit Road, HAL Post,
Bangalore - 560 017. ... Petitioner in Crl.O.P.No.6886
of 2019
2. K.Shanmugam,
Executive Operations,
Glow Freight Logistics Pvt Ltd.,
No.95F/1, Prashanth Nilaya,
Konena Agrahara, MES Colony,
Airport Exit Road, HAL Post,
Bangalore - 560 017. ... Petitioner in
Crl.O.P.No.6890 of 2019
3. C.Shrijith,
Branch Manager,
M/s.International Logistics
Freight Forwarders,
No.1, Soumya Layout,
Konena Agrahara,
HAL, Bangalore - 560 017. ... Petitioner in
Crl.O.P.No.6894 of 2019

Versus

The Deputy Commissioner of Customs,
Prosecution Unit (Sea),
Seaport (Exports),
Customs House,
Chennai - 600 001.

... Respondent in
all Crl.O.P's



COMMON PRAYER:-

These Criminal Original Petitions have been filed under Section 482 of Criminal Procedure Code to call for the entire records in E.O.C.C.No.101 of 2013 on the file of the Additional Chief Metropolitan Magistrate Court (E.O.II) at Egmore and quash the same.

For Petitioners : Mr.Balaganesh
(in all Crl.O.Ps) For M/s.Genicon and Associates

For Respondent : Mr.N.P.Kumar
(in all Crl.O.Ps) Special Public Prosecutor

COMMON ORDER

These Criminal Original Petitions have been filed seeking to quash E.O.C.C.No.101 of 2013 on the file of the learned Additional Chief Metropolitan Magistrate Court (E.O.II) at Egmore.

2. The learned Counsel for the Customs submit that the case of seizure of red sander. By filing these petitions the Petitioners had succeeded in delaying the trial before the learned Additional Chief Metropolitan Magistrate (E.O.II), Egmore. There are three petitions, Crl.O.P.No.6886 of 2019 filed by R.Ramesh, Crl.O.P.No.6890 of 2019 filed by Shanmugam, Crl.O.P.No.6894 of 2019 filed by Shrijith. All the three petitions relates to E.O.C.C.No.101 of 2013 pending on the file of the learned Additional Chief Metropolitan Magistrate Court (E.O.II), Egmore.

3. On perusal of the petitions in each of these cases, it is found that what had been raised as grounds to quash the criminal complaint registered by the Customs officials is to be considered only during the trial and not at this stage of considering to quash and exercising the discretion under Section 482 of Cr.P.C. as per the reported ruling of the Hon'ble Supreme Court in the case of State of Haryana Vs. Bhajan Lal.

4. The Petitioners herein had successfully delayed the trial before the Court of the learned Additional Chief Metropolitan Magistrate Court (E.O.II), Egmore for more than three years. This is nothing, but abuse of the process of the Court as pointed out in the reported ruling of the Hon'ble Supreme Court in the case of State of Haryana Vs. Bhajan Lal, where guidelines has been issued. This is not a fit case to quash the case in the light of those guidelines.



5. In the light of the above, the learned Additional Chief Metropolitan Magistrate Court (E.O.II), Egmore is directed to proceed with the case and dispose of the same within a reasonable period of three months from the date of receipt of a copy of this order. If the petitioners fail to co-operate, the learned Additional Chief Metropolitan Magistrate Court (E.O.II), Egmore is within his/her power to issue warrant and detain them till the trial is completed.

6. With the above direction, this Criminal Original Petition is dismissed. Consequently, connected Criminal Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

1. The Additional Chief Metropolitan Magistrate Court (E.O.II), Egmore.
2. The Deputy Commissioner of Customs, Prosecution Unit (Sea), Seaport (Exports), Customs House, Chennai - 600 001.
3. The Public Prosecutor, Madras High Court, Chennai.

+3ccs to M/s.Genicon and Associates, Advocate, S.R.No.27080

CRL.O.P.NO.6886, 6890 & 6894 OF 2019 AND
CRL.M.P.NOS.3789, 3793 & 3795 OF 2019

SS(CO)
PBS/06/05/2022