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Criminal Original Petition No.17524 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.08.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Criminal Original Petition No.17524 of 2023

and

Crl.M.P.Nos.11458 & 11460 of 2023

G.V.Thomas

...Petitioner

Vs

M/s.Castrol India Ltd.,
Technopolis, Knowledge Park,
Mahakali Caves Road, Chakala,
Andheri (East), Mumbai - 400 093,
Having its Southern Region Office
At Rayala Towers, V Floor,
Nos.781-785, Anna Salai,
Chennai - 600 002.
represented by Gurusamy Jaganathan Sridhar
Sales Manager - Heavy Duty

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, 1973, praying to call for the records in C.C.No.7832 of 2017 on the file of learned Fast Track Court II, Metropolitan Magistrate, Egmore at Allikulam, Chennai - 3.

For Petitioner : Mr.John Zachariah

ORDER



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This Criminal Original Petition has been filed seeking to quash the proceedings in C.C.No.7832 of 2017 on the file of learned Fast Track Court II, Metropolitan Magistrate, Egmore at Allikulam, Chennai - 3.

2. The petitioner had approached this Court on an earlier occasion by filing CrI.O.P.No.5239 of 2020 and this Court by order dated 04.07.2022 dismissed the quash petition and directed the Court below to complete the proceedings within a period of three months. The present quash petition has been filed on the ground that the National Company Law Tribunal [NCLT], Kochi Bench, Kochi, passed an order and thereby the company itself has been dissolved and a liquidator has been appointed for undertaking the Corporate Insolvency Resolution Process. In view of the same, the petitioner has approached this Court seeking to quash the proceedings.

3. In the considered view of this Court, the dissolution of a company and the moratorium will apply only insofar as corporate debtor company is concerned and the proceedings will always be continued against natural persons. Useful reference can be made in the judgment of the Apex Court in ***Ajay Kumar Radheyshyam Goenka v. Tourism Finance Corporation of***



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India Ltd. [2023 (1) MWN (Crl.) DCC 145 (SC)].

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4. In view of the above, the second quash petition is not maintainable before this Court. It is left open to the petitioner to raise all the defence before the Court below and the same shall be considered on its own merits and in accordance with law.

This Criminal Original Petition is disposed of in the above terms. Consequently, connected miscellaneous petitions are closed.

08.08.2023

Index : Yes/No
Speaking order: Yes/No
Neutral citation: Yes/No
gm

To

The Fast Track Court II, Metropolitan Magistrate,
Egmore at Allikulam, Chennai - 3.

N.ANAND VENKATESH, J



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