



WEB COPY

Crl.O.P.No.22181 & 22209 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.11.2023

CORAM :

THE HONOURABLE Dr. JUSTICE G.JAYACHANDRAN

Crl.O.P.No.22181 & 22209 of 2023

and

Crl. M.P. Nos.15420, 15421, 15440 & 15441 of 2023

M/s.PCA Automobiles India Private Limited,
Rep by its Managing Director,
S.F.No.263, 266 to 288, Adhigathur Village,
Thiruvallur Taluk, Thiruvallur District

... Petitioner in Crl.O.P. No.22181 of
2023

Mr.Murali Raj Kalyanarajan
Senior Director (Manufacturing)
M/s.PCA Automobiles India Private Limited

... Petitioner in Crl.O.P. No.22209 of
2023

-VS-

Voice of Nature,
Rep. by its President,
Mr.R.Gokulraj,
No.4, Adhigathur Road,
Vengathur Kandhigai,
Manavalanagar, Tiruvallur – 602 002.

...Respondent in both Crl.O.Ps.

COMMON PRAYER : Criminal Original Petitions have been filed under Section 482 of Criminal Procedure Code, to call for the records in C.C. No.125 of 2021 pending before the learned Judicial Magistrate-II, Tiruvallur and quash



the same.

For Petitioner

: Mr.Abdul Saleem,
Senior Counsel for
M/s.AAV Patners.

COMMON ORDER

The private complaint filed by NGO under Section 200 Cr.P.C, alleging violation of Environment Protection Act, 1986 been taken cognizance by the learned Judicial Magistrate No.II at Thiruvallur and summons under Section 202 Cr.P.C been served to the petitioners herein.

2. The learned Senior Counsel appearing for the petitioner submitted that there is a violation of Section 202 of Cr.P.C, which mandates issuance of process to be postponed, if the accused are residing at a place beyond the area in which, the learned Magistrate exercises his jurisdiction. Whereas, in this case, out of 10 accused Accused Nos.2,3,4,5,8,9 and 10 reside outside the jurisdiction of the learned Judicial Magistrate No.II, Thiruvannamalai. However, without following the process contemplated under Section 202 Cr.P.C, the Magistrate has caused notice.

3. This Court on perusing the docket order finds that this private complaint was filed as early as on 27.02.2020 and sworn statement of the complainant was recorded on that date. Thereafter, for perusal, the matter been



adjourned from time to time. Besides on 22.01.2021, it was posted for orders, however order was not delivered, the learned Magistrate sought for some clarification and again matter been adjourned for few times and finally on 15.04.2021, the learned Magistrate has taken a complaint on file by passing the following order, *“Perused the petition, Affidavit and documents. Prima facie made out. Hence taken on file as C.C. No.125/2021 under Section-15 of Environment Protection Act. Issue Summon to accused. Call on 03.06.2021.”*

4. From the docket proceedings, this Court is not able to find out whether the procedure laid under Section 202 Cr.P.C been followed by the learned Judicial Magistrate before causing summons. Most of the accused are residing outside jurisdiction of the Court, therefore, it is appropriate to set aside the order of taking cognizance vide order dated 15.04.2021.

5. The learned Judicial Magistrate No.II, Thiruvallur is directed to follow the procedures as contemplated under Section 202 Cr.P.C, in respect of accused residing outside beyond his jurisdiction, either enquire him into the case himself for directing the investigation to be done by the police or by any such accused persons who are residing outside the jurisdiction.

6. In fact, order does not indicate whether the learned Judicial Magistrate before taking cognizance had examined the complaint by himself or through



WEB COPY

police. Except the sworn statement of the defacto complainant, there is no other

Dr.G.JAYACHANDRAN, J.

material available to infer that such process been adopted by the learned Judicial
Magistrate before causing summons.

7. With the above observation, these Criminal Original Petitions are
disposed of. Connected Miscellaneous Petitions are closed.

03.11.2023

Internet : Yes/No

Index : Yes/No

rkp

To

1. The Judicial Magistrate-II, Tiruvallur
2. The Public Prosecutor,
Madras High Court, Madras.

Crl.O.P.No.22181 & 22209 of 2023

and

Crl. M.P. Nos.15420, 15421, 15440 & 15441 of 2023