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Crl.O.P.(MD).No.9911 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.07.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.(MD).No.9911 of 2024
& Crl.M.P.(MD).No.6749 of 2024

K.Kumaran, M/A 58 years,
S/o.K.P.Kandasamy,
No.10, Royal Enclave,
Besant Avenue,
Adyar, Chennai – 600 020.

.... Petitioner/Accused No.1

/versus/

1. State, Represented by,
The Deputy Director,
Industrial Safety & Health,
No.96-A, Karthikeyan Road,
Yagappa Nagar, Thanjavur – 7.

... 1st Respondent/Complainant

2. The Joint Director,
Industrial Safety & Health,
No.96-A, Karthikeyan Road,
Yagappa Nagar, Thanjavur – 7.
Officer.

... 2nd Respondent/Inspection

Prayer: Criminal Original Petition has been filed under Section 482 of Cr.P.C., to call for the records relating to the proceedings in C.C.No.17 of 2024 on the file of the Principal District Judge, Thanjavur and quash the same.

For Petitioner : Mr.Sudarsanam.S.L

For Respondents : Mr.K.M.D.Muhilan
Government Advocate (Crl.Side)



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ORDER

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This Criminal Original Petition is filed to call for the records relating to the proceedings in C.C.No.17/2024 on the file of the Principal District Judge, Thanjavur and quash the same.

2. The Learned Government Advocate (Crl.Side) for the respondents states that the investigation against this petitioner under the Factories Act dropped in view of the communication of the Director, Industries Safety and Health dated 18.01.2024. The communication to the concern Magistrate regarding withdrawal of the prosecution not properly reached and therefore, same has been taken on file in C.C.No.843 of 2023 by the Chief Judicial Magistrate, Kombakonam and now it is transferred to Principal District Judge, Thanjavur in C.C.No.17 of 2024, who had caused Non-Bailable warrant not knowing that the Department has dropped action and decided to withdraw the prosecution.

3. In fact, the case status indicate that in C.C.No.17 of 2024 on the file of Principal District Judge, Thanjavur when taken up for hearing on 05.03.2024, the Learned Presiding Officer has recorded receipt of petition under Section 257 of Cr.P.C., filed by the complainant to withdraw the complaint as



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against A1/Kumaran. However, subsequently, for the reason best known, summon been issued to A1.

4. In the light of the above fact, since the prosecution has decided to drop action against the 1st accused/Kumaran and despite that, the Court has issued summons to him, it necessitates this Court to interfere. Accordingly, the summons issued stands quashed. The case against this petitioner, who is arrayed as A1/Kumaran alone, stands quashed. Accordingly, this Criminal Original Petition is allowed. Consequently, the connected Miscellaneous Petition is closed.

16.07.2024

Index :Yes/No.

Internet :Yes/No.

bsm

To:-

1. The Deputy Director, Industrial Safety & Health,
No.96-A, Karthikeyan Road, Yagappa Nagar, Thanjavur – 7.

2. The Joint Director,
Industrial Safety & Health,
No.96-A, Karthikeyan Road,
Yagappa Nagar, Thanjavur – 7.

3. The Public Prosecutor, High Court, Madras.

Dr.G.JAYACHANDRAN, J.



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