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CRL OP No. 23386 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-08-2025

CORAM

THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

CRL OP No. 23386 of 2025

A.Ashok Agarwal
S/o.R.R.Agarwal, Managing Director
M/s.AML Steel Pvt, AML Towers,
No.9, 6th Street, Gopalapuram.
Chennai - 600 086.

Petitioner(s)

Vs

1. The State Represented by
The Inspector of Police, E-2,
Royapettah Police Station, Royapettah,
Chennai - 600 014.

2.McCann Erickson (India) Pvt, Ltd,
Represented by its Commercial
Manager-Jeffrey James, Office at 2nd
Floor, No.10, Sriman Srinivasa Cross
Street, Venus Colony, Alwarpet,
Chennai - 600 018.

Respondent(s)



PRAYER : This Criminal Original Petition has been filed under Section 528 of BNSS to call for the records in C.C.No.2437/2016, Pending on the file of the Learned Metropolitan Magistrate Fast Track Court-I, at Egmore, Allilkulam, Chennai and set aside the order of issuing bailable warrant in C.C.No.2437/2016 dated 21.06.2025 by the Honble Fast Track Court-I, Egmore, Allilkulam, Chennai.

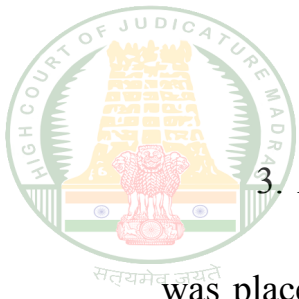
For Petitioner(s): Mr. K.Elangovan

For Respondent(s): Mr. R. Vinothraja,
Gov. Advocate (crl. Side)
for R1

ORDER

Challenge has been made to the order of the Trial Court issuing bailable warrant as against petitioner/A2.

2. It is the grievance of the petitioner that the 2nd respondent/defacto complainant had, in fact, not pressed the prosecution against the petitioner/A2 as early as on 04.12.2024. Thereafter, on 21.06.2025, the Trial Court issued a bailable warrant against A2 for his non appearance. As the defacto complainant itself had not pressed the case against A2 on 04.12.2024, issuance of the bailable warrant is not correct.

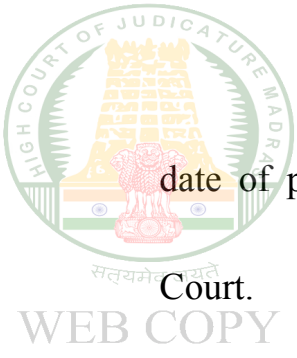


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3. According to the learned counsel for the petitioner, though reliance was placed on the daily orders, it appears that, though it is recorded as if A2, A3, A4, A5, A6, A7 and A10 are not pressed, it is also mentioned that A1, A2, and A8 are absent, under Section 317 Cr.P.C petition filed and allowed. Hence, the adjudication does not reflect the orders actually passed. It is doubtful whether any endorsement has been properly made by the defacto complainant to give up the case against the petitioner/A2.

4. In such view of the matter, the petitioner is directed to appear before the Trial Court. Since a bailable warrant has been issued by the Trial Court, the same shall be recalled. If the defacto complainant had made an endorsement in person that the prosecution against A2 is not pressed, the Trial Court shall take note of such endorsement, and pass appropriate orders in accordance with law.

5. In view of the submission of the learned counsel for the petitioner, the personal appearance of the petitioner/A2 is dispensed with, except for receipt of copies, answering the charges, questioning under section 313 Cr.P.C. and on the



date of pronouncing judgment and on any other dates as fixed by the Trial Court.

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6. With the above observations and directions , this Criminal Original Petition is disposed of.

22-08-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

mrp

To

1. The Metropolitan Magistrate,
Fast Track Court-1, Egmore @ Allikulam,
Chennai.

2. The Inspector of Police, E-2,
Royapettah Police Station, Royapettah,
Chennai - 600 014.



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N.SATHISH KUMAR J.

mrp

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