

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.07.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP Nos.18541 and 18542 of 2015  
and  
MP.Nos. 1,1 & 2,2, of 2015

1.N.Muruganandan

... Petitioner in  
Crl.OP.No.18541 of 2015

2.P.Vijayabharathi

... Petitioner in  
Crl.OP.No.18542 of 2015

Vs

The State,

Rep by its Inspector of Police,  
Economic Offences Wing II,  
Namakkal District.

... Respondent in both Crl.OPs

Common Prayer:- Criminal Original Petitions are filed under Section 482 Cr.P.C., praying to call for the records pertaining to charge sheet in C.C.No.4 of 2015 on the file of the Special Judge, TNPID Court, Coimbatore and quash the same in so far as the petitioner is concerned.

For Petitioner in both Crl.OPs : Mr.A.V.Arun

For Respondent in both Crl.OPs : Mr.C.Emalias  
Additional Public Prosecutor

COMMON ORDER

These Criminal Original Petitions have been filed praying to quash the charge sheet in C.C.No.4 of 2015 on the file of the Special Judge, TNPID Court, Coimbatore, in so far as the petitioners are concerned.

2. Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor appearing for the respondent.

3. On a perusal of the final report, it is seen that these petitioners are arrayed as A3 and A6 and they are accused of offences under Sections 120(B), 406, 420 IPC r/w and Section 5 of the TNPID Act.

4. The learned counsel for the petitioners submitted that N.Muruganantham (A3) cannot be a partner in M/s.Sunrays Trading Corporation (A1), as it is a proprietorship concern, which is owned by one V.Muthukumar (A2).

5. On a reading of the final report, it is the case of the prosecution that M/s.Sunrays Trading Corporation is a proprietorship concern, owned by V.Muthukumar (A2), and N.Muruganantham (A3) acted as an working partner in the said concern.

6. It is strongly refuted by the learned counsel for the petitioner that there are no materials to show that N.Muruganantham is the partner in M/s.Sunrays Trading Corporation.

7. The learned counsel for the petitioner further submitted that P.Vijayabharathi(A6) is admittedly working as a clerk in Canara Bank, Mohanur Branch.

8. Even according to the prosecution, the allegations against P.Vijayabharathi (A6) is that, she had canvassed the business for M/s.Sunrays Trading Corporation (A1). There seems to be some force in the submission of the learned counsel for the petitioner, with regard to P.Vijayabharathi(A6). The person, who had merely canvassed for the finance business, cannot be made liable for the offence committed by the company. Admittedly, P.Vijayabharathi is a staff of Canara Bank, Mohanur Branch.

9. However, this Court directs both N.Muruganantham and P.Vijayabharathi to file a discharge application under Section 239 Cr.P.C., before the Trial Court, provided the charges have not been framed and the Trial Court is directed to look into these aspects in detail and if there are no materials as against N.Muruganantham and P.Vijayabharathi, they shall be discharged from the prosecution.

10. With the above direction, these Criminal Original Petitions are closed. Consequently, connected miscellaneous petitions are closed.

Sd/-  
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

ds

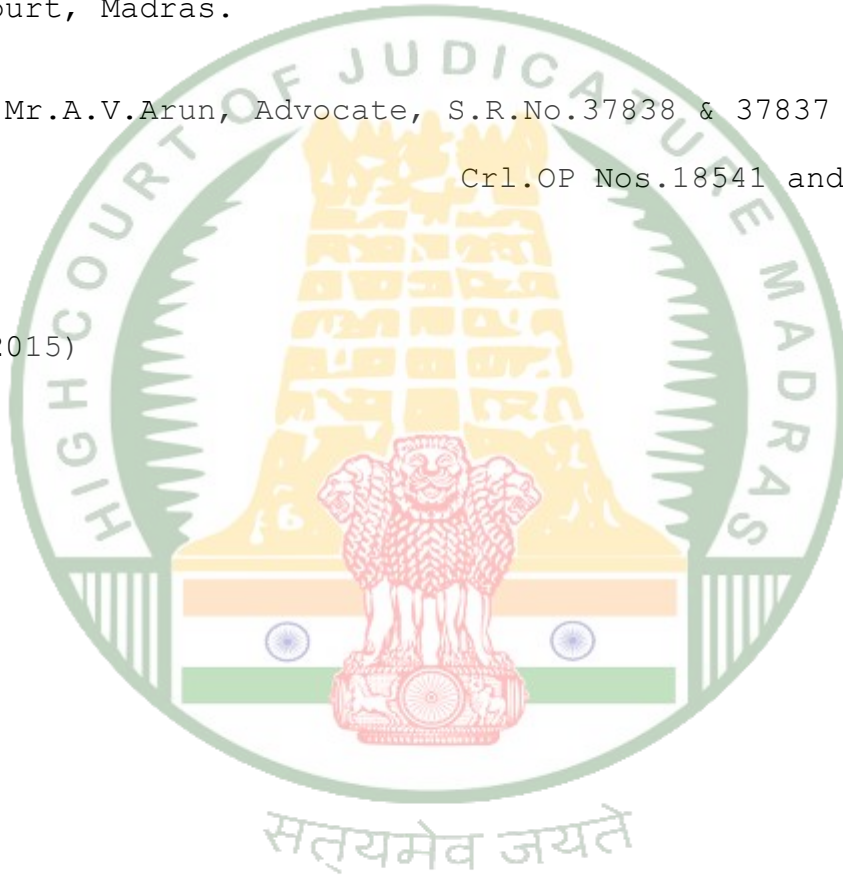
To

1. The Inspector of Police,  
Economic Offences Wing II,  
Namakkal District.
2. The Special Judge,  
TNPID Court,  
Coimbatore.
3. The Public Prosecutor  
High Court, Madras.

+2cc's to Mr.A.V.Arun, Advocate, S.R.No.37838 & 37837

CrI.OP Nos.18541 and 18542 of 2015  
and  
Connected MPs

TS(CO)  
CA(07/08/2015)



WEB COPY