

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 17.06.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.OP No.14559 of 2015

and

M.P.Nos.1&2 of 2015

1.M/s.Hi-Tech Farms & Poultry

Represented by A2&A3,
No.469, Pethampalayampirivu,
Kunathur Road,
Perundurai,
Erode District.

2.K.Gunasekaran

3.Valarmathi ... Petitioners

Vs

The State

Represented by
The Inspector of Police,
CCIW CID, Dharmapuri,
Camp at Economic Offences Wing-II,
Erode ... Respondent

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., praying, to call for the records pertaining to the proceedings in C.C.No.27 of 2013 on the file of the Special Judge, Special Court under TNPID Act Cases, Coimbatore and quash the same.

For Petitioners :Mr.M.Ravibharathi

For Respondent :Mr.C.Emalias,
Addl Public Prosecutor

ORDER

This Criminal Petition has been filed praying to call for the records pertaining to the proceedings in C.C.No.27 of 2013 on the file of the Special Judge, Special Court under TNPID Act Cases, Coimbatore.

2. Heard Mr.M.Ravibharathi, learned counsel for the petitioners and Mr.C.Emalias, learned Additional Public Prosecutor appearing for the respondent.

3. On a reading of the FIR, it is seen that the petitioners 1&2 were partners in M/s.Hi-Tech Farms & Poultry and they have floated two schemes, through which they collected money from various persons on the promise that they will provide copra and thereafter, their money will be returned with higher value.

4. Believing the representation, about 70 people made deposits with the firm and they were not repaid either the principle or the interest, following which, a complaint was lodged against the petitioners and after completing the investigation, the police have now filed a Final report for the offences under section 420 IPC,120 (B) &Sec.5 of TNPID Act.

5. On a reading of the final report, it is seen that the petitioners are partners and there are allegations that they canvassed business for the first accused company.

6. The learned counsel for the petitioner submits that A3 is the wife of A1 and she has been unnecessarily roped into the prosecution. But the prosecution case is that A2&A3 are partners in A1 firm and they had canvassed business together.

7. This court cannot go into disputed question of facts in a petition under section 482 Cr.P.C. Hence, this petition is dismissed with liberty to the petitioner to raise all the points before the trial court. At this juncture, learned counsel for the petitioner submits that the presence of A3 before the trial court may be dispensed with.

8. This court directs that the accused A3 should be present for receiving copies under section 207 Cr.P.C, for answering charges, for questioning under section 313 Cr.P.C, on the day of judgment and for the other hearings, if the accused A3 files a petition undertaking that her counsel will cross examine the witnesses even in her absence and that she will not unnecessarily take adjournments and that she will not dispute her identity, the Trial Court is directed to liberally consider the same.

9. With the above observation, this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

To

1.The Inspector of Police,
CCIW CID, Dharmapuri,
Camp at Economic Offences Wing-II,
Erode

2.The Special Judge,
Special Court Under TNPID Act Cases,
Coimbatore.

3.The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.M.Ravibharathi, Advocate,SR.29791.

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