

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 24.04.2015
DELIVERED ON : 29.04.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.O.P.No.32611 of 2014
and M.P.Nos.1 and 2 of 2011

R.Selvakumar .. Petitioner

vs.

1.The Deputy Superintendent of Police
Economic Offences Wing-II CID/HQ
Anna Nagar
Chennai 600 040.

2.D.Ragothaman .. Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records pertaining to the proceedings in C.C.No.1/2014 on the file of the Special Court under TNPID (In.F.Es) Act, 1977 Chennai and quash the charge sheet and consequential further proceedings as against the petitioner.

For Petitioner : Mr.T.Sekar [No appearance]

For Respondent : Mr.C.Emalias,
Additional Public prosecutor for R1

सत्यमेव जयते
O R D E R

This petition has been filed to call for the records pertaining to the proceedings in C.C.No.1/2014 on the file of the Special Court under TNPID (In.F.Es) Act, 1977 Chennai and quash the charge sheet and consequential further proceedings as against the petitioner.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the State.

3. This case was adjourned from 02.02.2015 to 04.03.2015, 12.03.2015, 30.03.2015, 13.04.2015 and on 15.04.2015, the learned counsel sought adjournment and the same was posted finally on 23.04.2015. On 23.04.2015, there was no representation for the petition and therefore, this Court posted the matter under the caption 'For dismissal' on 24.04.2015.

4. On 24.04.2015 when the matter was called, there was no representation for the petitioner. Therefore, this Court reserved orders and meticulously went through the petition filed by the petitioner and the records of the case. The petitioner is the 13th accused, who is seeking to quash the prosecution in C.C.No.1 of 2014 launched against him. On a reading of the Final Report and the accompanying documents, it is seen that the petitioner/A-13 had collected deposit amounts in the name of different Companies, namely M/s JBJ City Developers Limited, M/s JBJ Builders and Promoters, M/s JBJ Tours and Travels, M/s JBJ Hotels and Resorts, M/s JBJ Chits Pvt. Ltd., M/s JBJ Foundation and M/s Abode Lee Hedges Impex (P) Ltd. under various Schemes. After collecting money from depositors to a tune of Rs.37,67,33,969/-, the petitioner and the co-accused not only defaulted in repayment, but also absconded. The police registered a case in Cr.No.1 of 2010 for offences under Sections 341, 352, 420, 506(ii) r/w 120-B IPC and Section 5 of TNPID Act. After FIR was lodged, 121 depositors approached the police complaining against the petitioner and his group of Companies. The police have recorded their statements and after completing the investigation, the impugned Final Report has been filed.

5. It is seen from the grounds taken in the quash petition that the petitioner has stated that the respondent police has no jurisdiction to investigate the case. Sections 4 and 5 of Cr.P.C. are the simple answers to this ground of allegation made by the petitioner. It is further stated that there is no cheating at all. The fact remains that the petitioner and the group companies have made attractive schemes, luring investors to invest in their companies and after collecting such huge amounts they have vanished in the air. Therefore, it cannot be stated that the offence of cheating will not stand attracted in the facts of this case.

6. Yet another ground that has been raised is that, the provisions of TNPID Act will not apply. Constitutional validity of TNPID Act having been upheld, the Act provides for punishment when deposits are collected and the company defaults.

In the result, this Court is of the view that there are sufficient grounds to proceed with the trial. Hence, this petition stands dismissed. Consequently, connected miscellaneous petitions are closed.

Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

To

1.The Deputy Superintendent of Police
Economic Offences Wing-II CID/HQ
Anna Nagar
Chennai 600 040.

2.The Public Prosecutor, High Court, Madras.

Crl.O.P.No.32611 of 2014

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