

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 21..10..2016

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Criminal Original Petition No.21861 of 2016
and CrI.M.P.Nos.10136 & 10137 of 2016

Mr.Bernard Robert Hereford

... Petitioner

-Versus-

The Deputy Registrar of Companies,
Tamil Nadu,
Chennai,
Having Office at II Floor,
Shastri Bhavan, 26 Haddows Road,
Nungambakkam, Chennai 600 006.

... Respondent

Prayer: This petition is filed under Section 482 Cr.P.C. praying to call for the entire records relating to the case in EOCC No.206 of 2013 on the file of the learned Additional Chief Metropolitan Magistrate (Economic Offices-I), Egmore, Chennai and to quash the said case insofar as the petitioner is concerned.

For Petitioner : Mr.M.Mohammed Rafi

For Respondent : Mr.B.Ramesh, Spl. P.P.
(Companies)

ORDER

Seeking to quash the case in EOCC No.206 of 2013 on the file of the learned Additional Chief Metropolitan Magistrate (Economic Offices-I), Egmore, Chennai, the petitioner, who is A4 in the said case, has come up with this original petition.

2. The Deputy Registrar of Companies has launched a prosecution under Section 217 (2AA) of The Companies Act in EOCC No.206 of 2013 before the learned Additional Chief Metropolitan Magistrate, Egmore, Chennai against six persons for an offence under Section 217(5) of the Companies Act, 1956. Challenging the same the petitioner is before this court.

3. The allegations in the complaint is as follows:-

<https://hcservices.ecourts.gov.in/hcservices/> "Whereas the company has not attached the Directors Report in the Audited Statement of

Accounts and Balance Sheet required to be placed at the AGM and filed the same with the Registrar without the Director's Report for the financial year ending 31.03.2010, as per the requirement of provisions of Section 220 of the Act. Hence, the provisions of Section 217 of the Act have been contravened."

4. Admittedly, in this case, A4 became a Director only on 26.04.2010 and had resigned on 11.02.2014. and that he was not the Director of the Church of South India Trust Association as on 31.03.2010.

5. In view of the above, this criminal original petition is allowed and the prosecution in EOCC No.206 of 2013 on the file of the learned Additional Chief Metropolitan Magistrate (Economic Offences-I), Egmore, Chennai is quashed as against the petitioner/A4 alone. Consequently, connected MP are closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

kmk

To

1.The Additional Chief Metropolitan Magistrate (Economic Offences),
Egmore, Chennai.

2.The Deputy Registrar of Companies, Tamil Nadu, Chennai, II Floor,
Shastri Bhavan, 26 Haddows Road, Nungambakkam, Chennai 600 006.

3.The Special Public Prosecutor (Companies), High Court, Madras.

CrI.O.P.No.21861 of 2016

GJ(CO)
Eu 22.11.16