



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 30.11.2016
CORAM:

THE HONOURABLE MR. JUSTICE K. KALYANASUNDARAM

WEB COPY

Crl.O.P.(MD).No. 10779 of 2015
and
M.P(MD)No. 1 of 2015

M.Thiruvengadam .. Petitioner/Accused No.6

Vs.

1. State through,
The Inspector of Police,
Economic offence Wing-II,
Madurai. ..1st Respondent/Complainant

2. T.Subbaiah ..2nd Respondent/Defacto complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C., praying to call for the records pertaining to the above case in C.C.No. 32 of 2013, pending on the file of the Special Judge for TNPID Act cases at Madurai and quash the final report filed by the 1st respondent and consequently taking cognizance by the Special Court for TNPID Act cases.

For Petitioner	: Mr.S.Ghouse Yacoob Hussain
For R1	: Mr.K.Anbarasan
	Government Advocate (Criminal side)
For R2	:Mr.T.Vadivelan

ORDER

This petition has been filed to call for the records pertaining to the above case in C.C.No.32 of 2013 pending on the file of the Special Judge for TNPID Act cases at Madurai and quash the final report filed by the 1st respondent and consequently taking cognizance by the Special Court for TNPID Act cases.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) appearing for the State and perused the records.

3. It is mainly contended by the learned counsel for the petitioner that the respondent police has no power to investigate the case registered under the provisions of TNPID Act and it has been investigated only by the Revenue Divisional Officer/Competent Authority as per Section 2(1) of TNPID Act.



4. Per contra, the learned Government Advocate (Crl. Side) on instructions, would submit that the Hon'ble Supreme Court had already considered and rejected the grounds raised in the quash petition.

5. Perusal of the records would reveal that there are *prima facie* materials available against the petitioner. Hence, this Court is not inclined to quash the proceedings in C.C.No.32 of 2013, on the file of the Special Court under TNPID Act cases, Madurai.

6. In the result, this Criminal Original Petition is dismissed. Consequently, connected M.P.(MD).No.1 of 2014 is closed.

7. The petitioner is directed to appear before the Trial Court as and when his presence is required and he shall not dispute the identity of the witnesses. Further, the learned Special Judge under TNPID Act, Madurai, is directed to dispose of the case in C.C.No.34 of 2013, as expeditiously as possible, preferably, within a period of six months from the date of receipt of a copy of this order.

Sd/-
Assistant Registrar(writs)

/True Copy/

Sub Assistant Registrar

To

1. The Special Court for TNPID Act Cases,
Madurai.
2. The Inspector of Police,
Economic offence Wing-II,
Madurai.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P. (MD) .No.10779 of 2015
30.11.2016

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