



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

Crl.O.P. (MD) .No.14567 of 2015

and

M.P (MD) No.1 of 2015

R.Pushpam

.. Petitioner/Accused No.3

Vs.

1. State through,
The Inspector of Police,
Economic offences 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 as against her, 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)

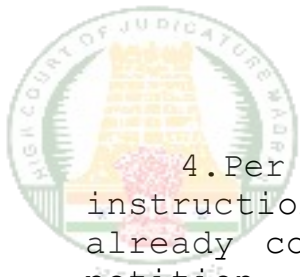
For R2 : Mr.T.Vadivelan

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 as against the petitioner and consequently taking cognizance by the Special Court for TNPID Act cases.

2. Heard the learned counsel for the petitioner, the learned counsel for the second respondent 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 offences committed under the provisions of TNPID Act and it has to be done 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.

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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 2015 is closed.

7. The petitioner is directed to appear before the Trial Court as and when her presence is required and further she 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.32 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(CO)

/True copy/

Sub Assistant Registrar

To

1. The Special Court for TNPID Act Cases,
Madurai.

2. The Inspector of Police,
Economic offences Wing-II,
Madurai.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

PJL

KK-CM-MSA-30.01.17-3P-4C