



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **28.11.2016**

CORAM:

THE HONOURABLE MR. JUSTICE K. KALYANASUNDARAM

Crl.O.P. (MD).No.5809 of 2015

and

M.P. (MD) No. 1 & 2 of 2015

WEB COPY

1. K. Kathirvel
2. K. Balamuruganantham
3. Vetrivelkannan .. Petitioners/Accused Nos. 4,5 & 6

Vs.

1. The State rep. by
The Inspector of Police,
Economic Offences Wing-II,
Madurai. (Crime No.1/2014) .. 1st Respondent/Complainant

2. P. Sureshkumar .. 2nd Respondent/De-facto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to call for the records relating to the impugned case in C.C.No.19 of 2014 on the file of the Honble Court of Special Judge TANPID Cases Madurai and to quash the same as illegal.

For Petitioners : Mr. B. Saravanan

For R1 : Mr. K. Anbarasan
Government Advocate (Crl. side)

ORDER

This petition has been filed to call for the records relating to the impugned case in C.C.No.19 of 2014 on the file of the court of Special Judge TANPID Cases, Madurai, and to quash the same.

2. Heard the learned counsel for the petitioners and the learned Government Advocate appearing for the first respondent.

3. This petition is filed mainly on the ground that the respondent police has no power to investigate the case registered 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.

5. The learned counsel for the petitioners would submit that the personal appearance of the petitioners may be dispensed with and he further undertakes that the petitioners/accused will extend their

co-operation for completion of the trial within the time stipulated by this Court.

6. Perusal of the records would reveal that there are prima facie materials available against the petitioners. Hence, this Court is not inclined to quash the case in C.C.No.19 of 2014, on the file of the Special Court under TNPID Act cases, Madurai.

7. In the result, this Criminal Original Petition is dismissed. Consequently, connected M.P.(MD) Nos. 1 and 2 of 2015 are also dismissed.

8. The personal appearance of the petitioners is dispensed with and they are directed to appear before the Trial Court as and when their presence is required and further they 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.19 of 2014, 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 Addl. Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
- +1 cc to Mr.B.Saravanan,Advocate,Sr.No.74498
+1 cc to Mr.A.Rahul,Advocate,Sr.No.74079

cm

AAM RR ME 25.01.2017 2P 6C

**Cr1.O.P. (MD) .No.5809 of 2015
and
M.P. (MD) No.1 & 2 of 2015
28.11.2016**