



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 30.11.2016

CORAM:

THE HONOURABLE MR. JUSTICE K. KALYANASUNDARAM

Crl.O.P. (MD) .No. 8423 of 2014

and

M.P (MD) No.1 of 2014

1.P.Sakthivel

2.M.Petchimuthu

.. Petitioners/
Accused Nos.3&4

Vs.

1. State through,
The Inspector of Police,
Economic offence Wing-II,
Tirunelveli District.

.. Respondent/Complainant

2. S.Mariappan

.. Respondent/Defacto complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C. praying to call for the entire records in C.C.No.34 of 2013 on the file of the learned Special Judge, TNPID case, Madurai and quash the same.

For Petitioners : Mr.Ramprakash Rajagopal

For R-1 : Mr.K.Anbarasan
Government Advocate (Criminal side)

For R-2 :Mr.T.Selvan

ORDER

This petition has been filed to call for the entire records in C.C.No.34 of 2013 on the file of the Learned Special Judge, TNPID case, Madurai and quash the same.

2. Heard the learned counsel for the petitioners, 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 petitioners that the respondent police has no power to investigate <https://hdservices.ecourts.gov.in/hdservices/> 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. 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 proceedings in C.C.No.34 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 petitioners 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.34 of 2013, as expeditiously as possible, preferably, within a period of three months from the date of receipt of a copy of this order.

Sd/-
Assistant Registrar

/True copy/

Sub Assistant Registrar

To

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

+1cc to Mr.T.Selvan, Advocate, SR.78342
PJL
KK-CM-MSA-30.01.17-2p-5c

Cr1.O.P. (MD) .No.8423 of 2014
30.11.2016