



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 28.11.2016

CORAM:

THE HONOURABLE MR. JUSTICE K. KALYANASUNDARAM

Crl.O.P. (MD) .No.9668 of 2015

and

M.P (MD) Nos.1 and 2 of 2015

1. Aiswarya Financiers
2. V. Balakrishnan
B. Managammal

.. Petitioners/ Accused 1 to 3

Vs.

1. State represented by
The Inspector of Police,
Economic offences wing-II,
Dindigul District, Dindigul.
(Crime.No. 6 of 2002)
2. K. Ganeshan

.. 1st Respondent/Complainant
.. 2nd respondent/Defacto
complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to call for the records pertaining to the criminal case in C.C. No. 4 of 2008 on the file of the Special Court (TNPID Act 1997), Madurai and to quash the same.

For Petitioners : Mr. R. Sundar
For R1 : Mr. K. Anbarasan,
Government Advocate (Criminal side)

ORDER

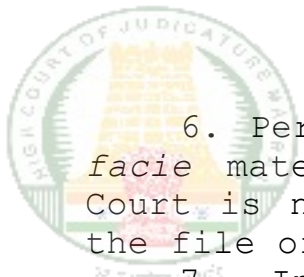
This petition has been filed to quash the proceedings in C.C.No. 4 of 2008 on the file of the Special Court (TNPID Act 1997), Madurai.

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.4 of 2008, 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 closed.

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.4 of 2008, 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(CS-I)

/TRUE COPY/

Sub Assistant Registrar

To

1.The Inspector of Police,
Economic offences wing-II,
Dindigul District, Dindigul.

2.The Addl. Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

3.The Judge, Special Court for TNPID,
Madurai.

+1 cc to Mr.R.SUNDAR, ADVOCATE, SR.NO:73475

CM

sva/sv/mms/31.01.2017/2p/5c

Cr1.O.P. (MD) .No.9668 of 2015
and
M.P (MD) Nos.1 and 2 of 2015
28.11.2016