



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

Cr1.O.P. (MD) .No. 11309 of 2013

1.P. Ponnusamy

2.M.Rajendran

.. Petitioners/ Accused No. 2&9

Vs.

1. The State of Tamilnadu,  
rep. by The Inspector of Police,  
District Crime Branch,  
Theni District.

.. Respondent/Complainant

2. R.S.Muthaiya

.. 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 Criminal case in C.C.No. 5 of 2009 on the file of the Special Judge under the TNPID Act, at Madurai and to quash the same.

For Petitioners : Mr.P.Muthuvijayapandian

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

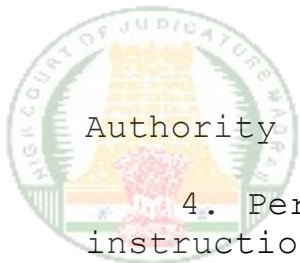
For R2 : No Appearance

### ORDER

This petition has been filed to quash the case in C.C.No.5 of 2009, on the file of the Special Judge under the TNPID Act, Madurai.

2. Heard the learned counsel for the petitioners and the learned Government Advocate (Cr1. 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 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. 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.5 of 2009, on the file of the Special Court under TNPID Act cases, Madurai.

6. In the result, this Criminal Original Petition is dismissed. 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.5 of 2009, 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 (Crl.Side)

/True Copy/

Sub Assistant Registrar

PJL

To

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

2. The Inspector of Police, District Crime Branch,  
Theni District.

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

GJM/RR/ME/24.1.17-2p-4C

Crl.O.P. (MD) .No.11309 of 2013  
30.11.2016(2/2)