



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).Nos.11652 to 11654 of 2013

In three petitions:

1.Sivakumar

2.Visweswari @ Prabha

.. Petitioners/Accused No.5 & 6
in all Crl.O.P s

Vs.

1.The State Represented by
Deputy Superintendent of Police,
Economic Offences Wing-II
Kanyakumari District
at Nagercoil.

(Crime No. 3/2009)

.. 1st Respondent/Complainant
in all Crl.O.P s

2.V. Rajagopalan Nair

.. 2nd Respondent/Defacto Complainant
in all Crl.O.P s

PRAYER: Criminal Original Petitions are filed under Section 482 of Cr.P.C. praying to call for the records pertaining to the impugned charge sheet laid in C.C.Nos. 21, 22 and 23 of 2013 respectively on the file of the Learned Special Judge for TNPID Act cases, Madurai and quash the same.

For Petitioners

: Ms.J.Anandhavalli

For R1

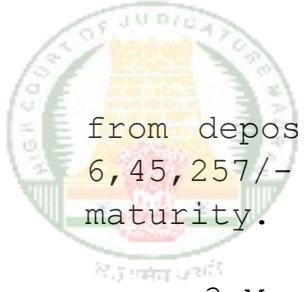
: Mr. K. Anbarasan,

Government Advocate (Crl. Side)

C O M M O N O R D E R

The petitions have been filed to quash the impugned charge sheets in C.C.No.21, 22 and 23 of 2013 on the file of the learned Special Judge for TNPID Act Cases, Madurai.

<https://hcservices.ecourts.gov.in/hcservices> The case of the prosecution is that the accused were running a partnership firm and they have collected Fixed Deposit



from depositors for a sum of Rs.1,87,30.955/-, Rs.35,97,996/- and 6,45,257/- respectively and they failed to return the amount after maturity.

3. Ms. J. Anandhavalli, learned counsel for the petitioners would submit that the business was run by one Madhavan S/o Krishna Pillai based on the Pawn Broker license and even as per the statement of witnesses as collected by the prosecution, Krishna Banker was a proprietor concern. It is further submitted that there is no material to prove that the accused 2 to 7 have collected the deposits and failed to return the amount.

4. Per contra, the learned Government Advocate (Crl.side) would submit that it is not the case of the prosecution that based on the pawn broker license, the accused collected the deposits and the statement of depositors would categorically show that all the accused were running an unregistered firm and they have collected the deposits from them.

5. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.side) appearing for the State and perused the materials available on record.

6. Since prima facie materials are available against the petitioners, this Court is not inclined to quash the charge sheets in C.C.Nos.21, 22 and 23 of 2013 on the file of the Learned Special Judge for TNPID Act cases, Madurai.

7. In the result, the Criminal Original Petitions are dismissed. Taking into consideration the fact the case was registered in the year 2009, the learned trial Judge shall dispose of the case as expeditiously as possible, preferably, within six months from the date of receipt of a copy of this order. Consequently, connected M.Ps are closed.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar



To

1.The Deputy Superintendent of Police,
Economic Offences Wing-II
Kanyakumari District
at Nagercoil.

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

+3cc to M/S.J.Anandhavalli, Advocate, SR.No.74099,74100 & 73588

Cr1.O.P. (MD) .Nos.11652 to 11654 of 2013
28.11.2016

CM/rns

MK-SU-MMS/30.1.2017/3p/6c