



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.11.2016

WEB COPY

CORAM:

THE HONOURABLE MR. JUSTICE K. KALYANASUNDARAM

Crl.O.P. (MD) .No.12995 of 2011

and

M.P (MD) Nos.2&3 of 2011

1. N.K.Rajagopal

2. R.Rajeswari

.. Petitioners/Accused Nos.15&14

Vs.

State rep.by

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

.. Respondent / Complainant

2. P.Murugesan

.. Respondent / Defacto complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C. praying to call for the records relating to the proceedings in C.C.No.41 of 2008, on the file of the Special Court under TNPID Act cases, Madurai and quash the same in so far as the petitioners herein are concerned.

For Petitioner : Mr.N.Mohideen Basha

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

ORDER

This petition has been filed to quash the case in C.C.No.41 of 2008, on the file of the Special Court under TNPID Act cases, Madurai.

2. Heard the learned counsel for the petitioners 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 petitioner 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.

<https://hcservices.ecourts.gov.in/hcservices/>

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.41 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.2 & 3 of 2011 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.41 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

/True copy/

Sub Assistant Registrar

To

1. The Special Judge 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.

PJL
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