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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.11.2016

CORAM:

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

Crl.O.P.(MD).No.13000 of 2011

and

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

1.N.K.Rajagopal

2.R.Rajeswari

.. Petitioners/Accused Nos.15 &14

Vs.

1. State rep. by,

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.42 of 2008, on the file of Special Court for TNPID, Madurai and quash the same, in so far as the petitioners herein are concerned.

For Petitioners : Mr.N.Mohideen Basha

For R-1

: Mr.K.Anbarasan

Government Advocate (Criminal side)

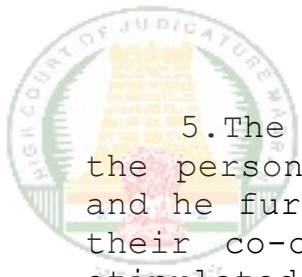
ORDER

This petition has been filed to quash the proceedings in C.C.No.42 of 2008, on the file of Special Court for TNPID, Madurai, as against the petitioners herein.

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 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 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.

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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 proceedings in C.C.No.42 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).No.2 of 2011 is 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.42 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(CO)

/True Copy/

Sub Assistant Registrar

To

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

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

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

+1cc to Mr.N.Mohideen Basha, advocate, sr no 78514

pjl

ms/mms.sv/31.01.2017/2p.5c

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

Cr1.O.P. (MD) .No.13000 of 2011

30.11.2016

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