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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.13001 of 2011

and

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

B.Alagu Varalakshmi

.. Petitioner/Accused No.10

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.41 of 2008, on the file of Special Judge for TNPID, Madurai and quash the same.

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 proceedings in C.C.No.41 of 2008, on the file of Special Judge for TNPID, Madurai.

2. Heard the learned counsel for the petitioner 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.

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



5. The learned counsel for the petitioner would submit that the personal appearance of the petitioner may be dispensed with and he further undertakes that the petitioner/accused will extend her 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 petitioner. Hence, this Court is not inclined to quash the proceedings in C.C.No.41 of 2008, on the file of the Special Court under TNPID Act cases, Madurai.

6. In the result, this Criminal Original Petition is dismissed. Consequently, connected M.P.(MD).No.2 of 2011 is closed.

7. The personal appearance of the petitioner is dispensed with and she is directed to appear before the Trial Court as and when her presence is required and further she 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(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.

pjl

ms/mms/sv/31.01.2017/2p.4c