



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.12.2016

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THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

Crl.O.P(MD)Nos.6565 & 12456 of 2011
and Crl.M.P(MD)Nos.1 to 3 of 2011

Mano @ Joseph Sahayaraj

... Petitioner/Accused No.9
in Crl.O.P(MD)No.6565/2011

Paniyadimai @ Jeyakumar

... Petitioner/Accused No.7
in Crl.O.P(MD)No.12456/2011

-Vs-

State of Tamil Nadu,
Rep. By Deputy Superintendent of Police,
Economic Offences Wing II,
Nagercoil,
Kanyakumari District.

... Respondent/Complainant
in Crl.O.P(MD)No.6565/2011

1.State,
Rep. By the Deputy Superintendent of Police,
Economic Offences (Finance Institution)- II,
Kanyakumari District,
Nagercoil.
(Crime No.1 of 2006)

... 1st Respondent/Complainant
in Crl.O.P(MD)No.12456/2011

2.Benard
3.Maria Prosper

... Respondents 2 & 3/
Defacto complainants
in Crl.O.P(MD)No.12456/2011

Common Prayer : Criminal Original Petitions are filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the final report in C.C.No.2 of 2010 on the file of the Special Court under Tamil Nadu Public Interest Depositors Act, Madurai and quash the same.



For Petitioner

: Mr.T.Lajapathi Roy,
in CrI.O.P(MD)No.6565/2011

Mr.S.R.A.Ramachandran
in CrI.O.P(MD)No.12456/2011

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For R - 1

(in both CrI.O.P's)

: Mr.K.Anbarasan

Government Advocate (Criminal Side)

COMMON ORDER

These petitions are filed seeking to quash the proceedings in C.C.No.2 of 2010 on the file of the Special Court under Tamil Nadu Public Interest Depositors Act, Madurai.

2.Based on the complaint of the defacto complainants, a case has been registered against the petitioners in Crime No.1 of 2006 for the offences punishable under Sections 420 and 409 IPC and after investigation, the respondent Police filed a final report, which was taken on file in C.C.No.2 of 2010 on the file of the Special Court under Tamil Nadu Public Interest Depositors Act, Madurai.

3.The case of the prosecution is that the accused have been running a Finance Company in the name of 'Rasi Bankers' and they have collected deposit from the defacto complainants, but failed to repay the amount.

4.Heard Mr.T.Lajapathi Roy, learned counsel for the petitioner and learned Government Advocate (Criminal Side) appearing for the State.

5.Perusal of the materials would show that there are prima facie materials against these petitioners. Hence, this Court is not inclined to quash the charge-sheet. Accordingly, these Criminal Original Petitions are dismissed. Consequently, connected Miscellaneous Petitions are also closed. However, the personal appearance of the petitioners in C.C.No.2 of 2010 on the file of the Special Court under Tamil Nadu Public Interest Depositors Act, Madurai, is dispensed with and they are directed to appear before the trial Court, when their presence is required by the Special Court under Tamil Nadu Public Interest Depositors Act, Madurai.

Sd/-

Assistant Registrar (AE)

/True Copy/

Sub Assistant Registrar



To

1. The Special Judge,
Tamil Nadu Public Interest Depositors Act,
Madurai.

2. The Deputy Superintendent of Police,
Economic Offences Wing II,
Nagercoil,
Kanyakumari District.

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

+ 1 CC TO Mr.T.LAJAPATHI ROY, ADVOCATE IN SR No. 78653
+ 1 CC TO Mr.S.R.A.RAMACHANDRAN, ADVOCATE IN SR No. 78485

PS

TE/PV : 28/12/2016 : 3P/6C

CrI.O.P.(MD)Nos.6565 & 12456 of 2011
and
CrI.M.P(MD)Nos.1 to 3 of 2011
01.12.2016