



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **30.11.2016**

CORAM:

THE HONOURABLE MR.JUSTICE **K.KALYANASUNDARAM**

Crl.O.P. (MD) .No.4390 of 2013

and

M.P (MD) Nos.1&2 of 2013

M.Selvakumar

.. Petitioner/Accused No.3

Vs.

1. The State of Tamil Nadu,
Rep. by its Inspector of Police,
District Crime Branch,
Theni.

Crime No.2 of 2008

.. Respondent/Complainant

2. R.S.Muthiah

.. Respondent/Defacto complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C., praying to call for the records pertaining to the Criminal case in C.C.No. 5 of 2009, on the file of the learned Special Judge under TNPID Act at Madurai and to quash the same.

For Petitioner

: Mr.K.P.S.Palanivelrajan

For R1

: Mr.K.Anbarasan

Government Advocate (Criminal side)

ORDER

This petition has been filed to quash the Criminal case in C.C.No.5 of 2009, on the file of the Special Judge under TNPID Act, 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 been 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 petition.

5. The learned counsel for the petitioner submitted that the personal appearance of the petitioner may be dispensed with and he further undertakes that the petitioner will extend his 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 petitioner. Hence, this Court is not inclined to quash the proceedings in C.C.No.5 of 2009, 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.1 of 2013 is closed.

8. The personal appearance of the petitioner is dispensed with and he is directed to appear before the Trial Court as and when his presence is required and he 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.5 of 2009, 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(P & A)

/True Copy/

Sub Assistant Registrar

To

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

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

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

+1cc to Mr.K.P.S.PALANIVEL RAJAN Advocate in SR. No.78881
PJJL