



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.11.2016

CORAM

THE HON'BLE MR. JUSTICE K. KALYANASUNDARAM

Crl.O.P.(MD) No.5863 of 2013
and M.P.(MD) No. 1 of 2013

C.Baskara Sethupathi

.. Petitioner/A1

Vs.

1.The Inspector of Police,
Economic Offences Wing -II,
Madurai
(Ref.Crime No.2/2010)

.. 1st Respondent/Complainant

2.T.Chandramohan

.. 2nd Respondent/Defacto complainant

Prayer: Petition filed under Section 482 of Code of Criminal Procedure to call for records in C.C.No.28 of 2011 on the file of the Special Court under Tamil Nadu Protection of Interest of Depositors (In Financial Establishment) Act and quash the charge sheet and consequential further proceedings as against the petitioner.

For Petitioner : Mr.D.Shanmugaraja Sethupathi

For 1st Respondent : Mr.K.Anbarasan

Government Advocate (Crl. Side)

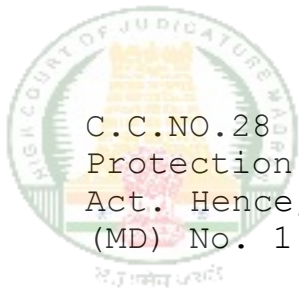
O R D E R

The petitioners seek a direction to call for records in C.C.No.28 of 2011 on the file of the Special Court under Tamilnadu Protection of Interest of Depositors (In Financial Establishment) Act and quash the charge sheet and consequential further proceedings as against the petitioner.

2.The learned counsel for the petitioner would submit that as per the allegation in the charge sheet the accused have cheated Rs.43,05,000/- by the accused have refunded Rs.30 lakhs to the depositors through bank. It is further submitted that the property worth more than the said amount is attached by the respondent and there is no necessity to prosecute the case.

3. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl. Side) appearing for the first respondent.

4. Since *prima facie* materials are placed against this petitioner, this Court is not inclined to quash the proceedings in



C.C.NO.28 of 2011 on the file of the Special Court under Tamilnadu Protection of Interest of Depositors (In Financial Establishment) Act. Hence, this petition is dismissed. Consequently, connected M.P. (MD) No. 1 of 2013 is also dismissed.

WEB COPY

Sd/-
Assistant Registrar (AE)

/True Copy/

Sub Assistant Registrar

To:

- 1.The Inspector of Police,Economic Offences Wing -II,Madurai.
- 2.The Special Court, Under Tamil Nadu Protection of Interest of Depositors (In Financial Establishment) - Madurai.
- 3.The Additional Public Prosecutor,Madurai Bench of Madras High Court,
Madurai.

+1 cc to Mr.D.SHANMUGARAJA SETHUPATHI, Advocate, Sr.No: 73924

CM
MAS/MPA-JK:12.01.2017: 2P/5 C

**Cr1.O.P. (MD) No.5863 of 2013
and M.P. (MD) No. 1 of 2013
28.11.2017**