



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

Crl.O.P.(MD).No.5908 of 2013
and M.P.(MD) Nos. 1 and 2 of 2013

Renugakumari

.. Petitioner

Vs.

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

2. The Inspector of Police
Economic Offences Wing II,
Nagercoil, Kanyakumari District.
(Crime No.4 of 2009)

.. Respondents 1 and 2/Complainants

3. Ravindran

.. 3 rdRespondent/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to call for the records pertaining to the case in C.C.No. 26 of 2011 on the file of Special Court under TNPID Act cases Madurai and quash the same.

For Petitioner
For R1 & R2

: Mr. S. Ramasamy
: Mr. K. Anbarasan
Government Advocate(Crl. side)

ORDER

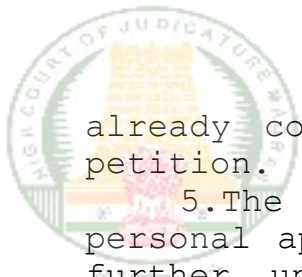
This petition has been filed to call for the records pertaining to the case in C.C.No. 26 of 2011 on the file of Special Court under TNPID Act cases Madurai and quash the same.

2. Heard the learned counsel for the petitioner and the learned Government Advocate(Crl.side) and perused the records.

3.Mr.S.Ramasamy, learned counsel for the petitioner would submit that the case of the prosecution is that the accused have collected Rs.1,51,57,837/- from the depositors, but, failed to return on maturity. It is further submitted that immovable property worth about Rs.65 lakhs was already attached by the respondent and now the value is more than Rs.1,67,00,000/-. This petition is filed mainly on the ground 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.

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

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 would submit that the personal appearance of the petitioner may be dispensed with and he further undertakes that the petitioner/accused 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 petitioners. Hence, this Court is not inclined to quash the case in C.C.No.26 of 2011, 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) Nos.1 and 2 of 2013 are also dismissed.

8. 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.26 of 2011, 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

/True Copy/

Sub Assistant Registrar

To

1. The Deputy Superintendent of Police,
Economic Offences Wing II, Nagercoil, Kanyakumari District.
2. The Inspector of Police
Economic Offences Wing II, Nagercoil, Kanyakumari District.
3. The Addl. Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Cm

MAS/SV-MMS:02.02.2017:2P/4C

Cr1.O.P. (MD) .No.5908 of 2013
and M.P. (MD) Nos.1 and 2 of 2013
28.11.2016