



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 30.11.2016

CORAM

THE HON'BLE MR. JUSTICE K. KALYANASUNDARAM

Crl.O.P. (MD) .No.7652 of 2013

and

M.P (MD) .Nos.2 & 4 of 2013

and

M.P (MD) .No.1 of 2014

1.S.Selvaraj

2.S.Ganesan

.. Petitioners/A2 and A4

-Vs-

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

..1st Respondent/Complainant

2.K.Subramaniapillai

.. 2nd Respondent/Defacto complainant

Prayer : Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the Criminal Case in C.C.No.112 of 2008, on the file of the Special Judge under the TNPID Act at Madurai and to quash the same.

For Petitioners : Mr.P.Muthuvijayapandian

For R1 : Mr.K.Anbarasan
Government Advocate(Crl. Side)

ORDER

This petition has been filed to quash the case in C.C.No.112 of 2008, on the file of the learned Special Judge under TNPID Act cases, Madurai.

2. Heard the learned counsel for the petitioners 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 petitioners 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 petition.

5. 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 proceedings in C.C.No.112 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 miscellaneous petitions are closed.

7. The petitioners are directed to appear before the Trial Court as and when their presence is required and further they 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.112 of 2008, as expeditiously as possible, preferably, within a period of three 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 Judge for TNPID Act Cases,
Madurai.
2. The Inspector of Police,
District Crime Branch,
Theni District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

PJL
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