

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL PETITION No.6166 OF 2016

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ORDER:

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This petition is filed by the petitioners-accused Nos.1 and 2 under Section 482 Cr.P.C. seeking to quash the proceedings against them in C.C.No.79 of 2016 on the file of the Special Judge for Economic Offences at Hyderabad.

Heard and perused the material available on record.

The 2nd respondent filed a complaint under Section 149 of the Companies Act, 2013 r/w Rule 3 of the Companies (Appointment and Qualification of Directors) Rules, 2014 alleging that Rule 3 of the Companies (Appointment and Qualification of Directors) Rules, 2014 requires that certain class of companies shall appoint atleast one Women Director. The 2nd respondent issued a show cause notice to the petitioners and another, for which reply was sent by the 1st petitioner and that the notices sent to A2 was returned undelivered and the notice sent to A3 was neither served nor returned undelivered. Hence, the 2nd respondent filed the above complaint in the above C.C.

Learned Counsel for the petitioner submitted that the 2nd respondent without considering the reply sent by the 1st petitioner, straight away filed the present complaint and that the complaint does not disclose prima facie case against the petitioners.

Considering the facts and circumstances of the case and the nature of the offence, this Court is not inclined to grant the relief sought by the petitioners. However, the presence of the petitioners before the trial Court is dispensed with except on the dates when their presence is specifically required by the trial Court. The petitioners are directed to be represented through a Counsel before the trial Court on all hearing dates.

Accordingly, the Criminal Petition is disposed of. Consequently,

miscellaneous petitions pending, if any, shall stand closed.

JUSTICE RAJA ELANGO

Date : 25.4.2016

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HONOURABLE SRI JUSTICE RAJA ELANGO

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DATED 25.4.2016

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