

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.44419 of 2016

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioner to declare the action of the 2nd respondent in not considering the compounding application/representation vide petition No.SPN-G07551633, dated 15.07.2016, submitted by the petitioner, as illegal and arbitrary.

Heard and perused the material available on record.

The petitioner is a public limited company and incorporated under the Companies Act, 1956 and it is in the business of providing broadband network connectivity to all Government officers across the State of Andhra Pradesh. The 3rd respondent initiated criminal proceedings against the petitioner and its Managing Director and filed a complaint under Section 149 of the Companies Act r/w. Rule 3 of the Companies (Appointment and qualification of Directors) Rules 2014 and the same was numbered as CC No.73 of 2016 pending on the file of the Special Judge for Economic Offences Court – cum –VIII Additional Metropolitan Sessions Judge at Nampally, Hyderabad.

Learned counsel for the petitioner submitted that now the petitioner has appointed a Woman Director and he informed the same to the 3rd respondent by filing an application and also with a request to compound the offence, but the 3rd respondent is not considering the same, and due to pendency of the above case, the petitioner apprehends that it may cause prejudice to the petitioner company.

Considering the facts and circumstances of the case and also taking into consideration the submissions of the learned counsel for the petitioner, the 3rd respondent is directed to dispose of the application, dated 15.07.2016, made by the petitioner for compounding the offence, within a period of one month from the date of receipt of a copy of this order, and also communicate the order passed on the said application to the Court, where the prosecution is pending. The petitioner is directed to communicate this order to the Court, where the prosecution is pending against it.

With the above directions, the Writ Petition is disposed of. No order as to costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

December 30, 2016.
KTL

RAJA ELANGO, J



