

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 20.04.2017
CORAM
THE HONOURABLE MR. JUSTICE C.T.SELVAM
CRL.O.P.Nos.9215, 9216, 9217 and 9218 of 2012
and
M.P.Nos.1 and 2 of 2012 (in all cases)

1.R.Subramanian
S/o.G.S.Ramaswami

2.V.Gopal ...Petitioners in all petitions

vs.

The Deputy Registrar of Companies,
Tamilnadu,
"Shastri Bhavan",
No.26, Haddows Road,
Chennai - 600 006.

...Respondent in all petitions

Criminal Original Petition filed under Section 482 of Criminal Procedure Code praying to quash the complaints in E.O.C.C.Nos.26, 27, 28 and 29 of 2012 on the file of learned Additional Chief Metropolitan Magistrate, Economic Offences - I, Egmore, Chennai.

For Petitioners : Mr.Prakash Goklaney

For Respondent : Dr.D.Simon

C O M M O N O R D E R

Petitioners seek quash of complaints in E.O.C.C.Nos.26, 27, 28 and 29 of 2012 on the file of learned Additional Chief Metropolitan Magistrate, Economic Offences - I, Egmore, Chennai.

2. Heard learned counsel for petitioners and learned counsel for respondent.

3. The complaints arise against non-filing of Annual Returns/Balance Sheets by the first accused company by name 'M/s.Aresvee Shares and Securities Private Limited'. Petitioners are arrayed as accused on the allegation that they are Directors of first accused company and that they are officers in default.

The complaints have been preferred in the year 2009. The amalgamation of first accused company with Viswapriya Financial Services and Securities Limited has been approved under orders of this Court in C.P.No.21 of 2004 dated 24.06.2004. Therefore, the very preference of complaint against the first accused company is bad in law. While so, the prosecution against petitioners becomes unsustainable.

The Criminal Original Petitions are allowed. The proceedings in E.O.C.C.Nos.26, 27, 28 and 29 of 2012 on the file of learned Additional Chief Metropolitan Magistrate, Economic Offences - I, Egmore, Chennai, are quashed. Connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

gm
To

The Additional Chief Metropolitan Magistrate,
Economic Offences - I,
Egmore, Chennai.

+8 ccs to M/s.Prakash Gokulaney Advocate sr 24113,
24114,24115,24116
+1 ccs to M/s.Dr.Simon Advocate sr 24291

CRL.O.P.Nos.9215, 9216, 9217 and 9218 of 2012

mg(co)
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