

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 26.04.2017

CORAM

THE HON'BLE JUSTICE MR.JUSTICE C.T.SELVAM

Crl.OP.Nos.7597 to 7600 of 2012
and
M.P.Nos.1 to 1 of 2012

1. Deepak Bhalotia

2. Brajesh Sharma

...Petitioners
(in All Crl.O.Ps.)

Vs

The Assistant Registrar of Companies,
Shastri Bhavan,
26 Haddows Road,
Chennai-600 006.

....Respondent
(in All Crl.O.Ps.)

The Criminal Original petitions are filed under section 482 of Cr.P.C., to quash the complaint in E.O.C.C.Nos.186, 187, 188 & 185 of 2009 respectively on the file of the Additional Chief Metropolitan Magistrate Court, Economic Offences-I, Egmore, Chennai.

For Petitioners : Mr.Harshad P.Goklaney,

For Respondent :Dr.D.Siman
CGSC.

सत्यमेव जयते

O R D E R

The accusation in E.O.C.C.No.186 of 2009 is that the first accused-Company failed to file the Balance Sheet and Profit and Loss Account placed in the Annual General Meeting within 30 days of the date thereof i.e. on or before 30.10.2006.

2.The accusation in E.O.C.C.No.187 of 2009 is that the first accused-Company failed to file the Balance Sheet and Profit and Loss Account placed in the Annual General Meeting within 60 days of the date thereof i.e. on or before 29.11.2007.

3.The accusation in E.O.C.C.No.188 of 2009 is that the first accused-Company failed to file the Balance Sheet and Profit and Loss Account placed in the Annual General Meeting within 30 days of the date thereof i.e. on or before 30.10.2007.

4.The accusation in E.O.C.C.No.185 of 2009 is that the first accused-Company failed to file the Balance Sheet and Profit and Loss Account placed in the Annual General Meeting within 60 days of the date thereof i.e. on or before 29.11.2006.

5.Learned Counsel for the petitioner placed reliance on Form-32 filed by the petitioners with the Registrar of Companies, which informs the position that the first petitioner had resigned [from the Directorship of the Company] on 27.01.2006 and second petitioner on 04.08.2005.

6. Therefore, it is clear that as on the date of Commission of offence, the petitioners, who are arrayed as accused, informing them to be Directors of the Company were not so.

7. The Criminal Original Petitions stand allowed and the proceedings in E.O.C.C.Nos.186, 187, 188 & 185 of 2009 respectively on the file of the Additional Chief Metropolitan Magistrate Court, Economic Offences-I, Egmore, Chennai are hereby quashed. Consequently, connected miscellaneous petitions are also closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

kmi

To

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

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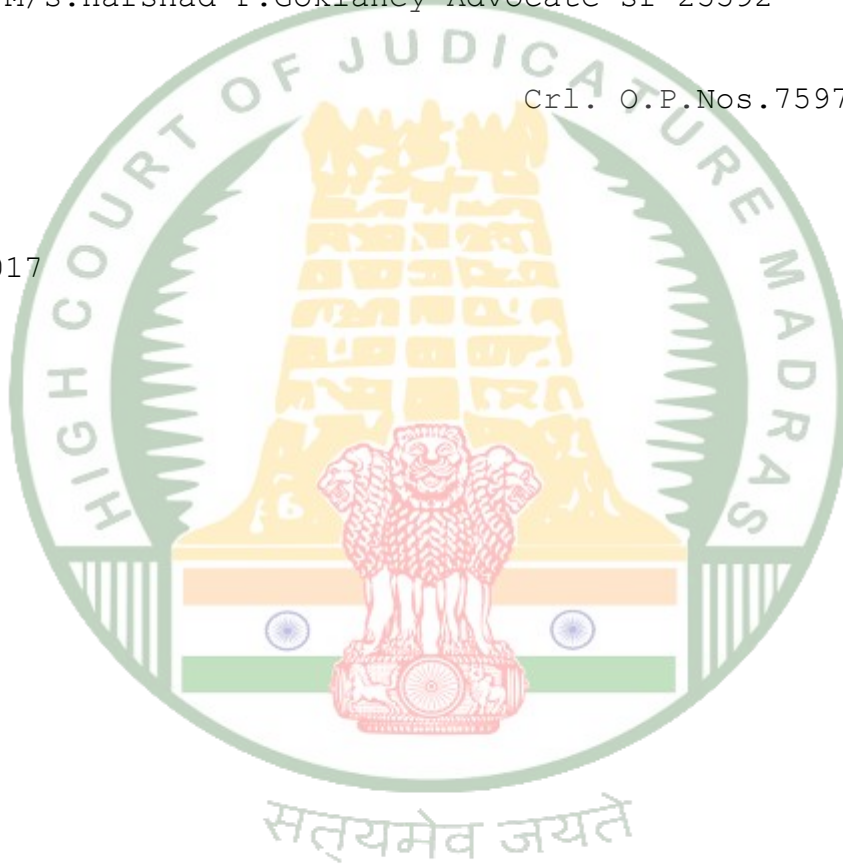
2. The Chief Metropolitan Magistrate
Assistant Registrar of Companies,
Shastri Bhavan,
26 Haddows Road,
Chennai-600 006.

3. The Public Prosecutor,
High Court, Madras-104.

+8 ccs to M/s.Harshad P.Goklaney Advocate sr 25592

Crl. O.P.Nos.7597 to 7600 of
2012

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