

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.04.2017

CORAM

THE HONOURABLE MR. JUSTICE C.T.SELVAM

Crl.O.P.Nos.16906, 16907, 16908, 16909, 16910,
16911, 16912 and 16913 of 2012
and
M.P.No.1 of 2012 (in all cases)

Mrs. Butani Bharati Petitioner in all Crl.O.Ps.

Versus

The Deputy Registrar of Companies,
Shastri Bhavan, No.26, Haddows Road,
Chennai - 600 006. ... Respondents in all Crl.O.Ps.

Criminal Original Petitions filed under section 482 of Criminal Procedure Code to call for the records in E.O.C.C.Nos.63,62,61,60,59,58,56 and 57 of 2011 on the file of learned Additional Chief Metropolitan Magistrate, E.O.I, Egmore, Chennai and Quash the complaint as against the petitioner.

For Petitioner : Mr.T.D.Selvan Babu

For Respondent : Mr.J.Madana Gopal

C O M M O N O R D E R

Petitioner seeks quash of proceedings in E.O.C.C.Nos.56, 57, 58, 59, 60, 61, 62 and 63 of 2011 on the file of learned Additional Chief Metropolitan Magistrate, E.O.I, Egmore, Chennai.

2. Petitioner is the 4th accused in cases pending trial in E.O.C.C.No.63, 62, 61, 60, 59, 58, 56 and 57 of 2011 on the file of learned Additional Chief Metropolitan Magistrate, E.O.I. Egmore, Chennai. All the complaints relate to non-compliance with provisions of the Companies Act. E.O.C.C.Nos.56, 58, 60 and 62 of 2011 complain of non-filing of Annual Reports and E.O.C.C.Nos.57, 59, 61 and 63 of 2011 complain of non-filing of Balance Sheets, both offences punishable under Section 162 of the Companies Act, 1956. Petitioner seeks quash of proceedings in such cases insofar as she is concerned. The alleged offences

pertain to the period 2006 to 2010. Petitioner relies on Form-32 filed with the Registrar of Companies to submit that petitioner has resigned from the Directorship of the first accused company on 15.07.2005 and therefore, she would not be liable for the offences relating to the affairs of the company subsequent to such date.

3. Heard learned counsel for petitioner and learned counsel for respondent.

4. Learned counsel for respondent informs that Form-32 has been filed by Mrs.Bharathi Mirchandani, fourth accused in the cases, who is the wife of Romi Bhutani.

5. Learned counsel for petitioner explains that the petitioner was single at the time of association with the company and her name before marriage was Bharathi Mirchandani and after her marriage, she now answers to the name of Mrs.Bharati Butani.

6. This Court finds acceptable the submission of learned counsel for petitioner since the petitions seeking quash have been signed not only by the counsel but also by petitioner and further, the same have been notarized. In the very petitions the explanation regards change of name is informed.

In the circumstances, these Criminal Original Petitions shall stand allowed. The proceedings in E.O.C.C.Nos.56, 57, 58, 59, 60, 61, 62 and 63 of 2011 on the file of learned Additional Chief Metropolitan Magistrate, E.O.I, Egmore, Chennai, shall stand quashed in so far as petitioner is concerned. Connected miscellaneous petitions are closed.

Sd/-

Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

gm/av

To

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

2.The Additional Chief Metropolitan Magistrate,
E.O.I, Egmore, Chennai.

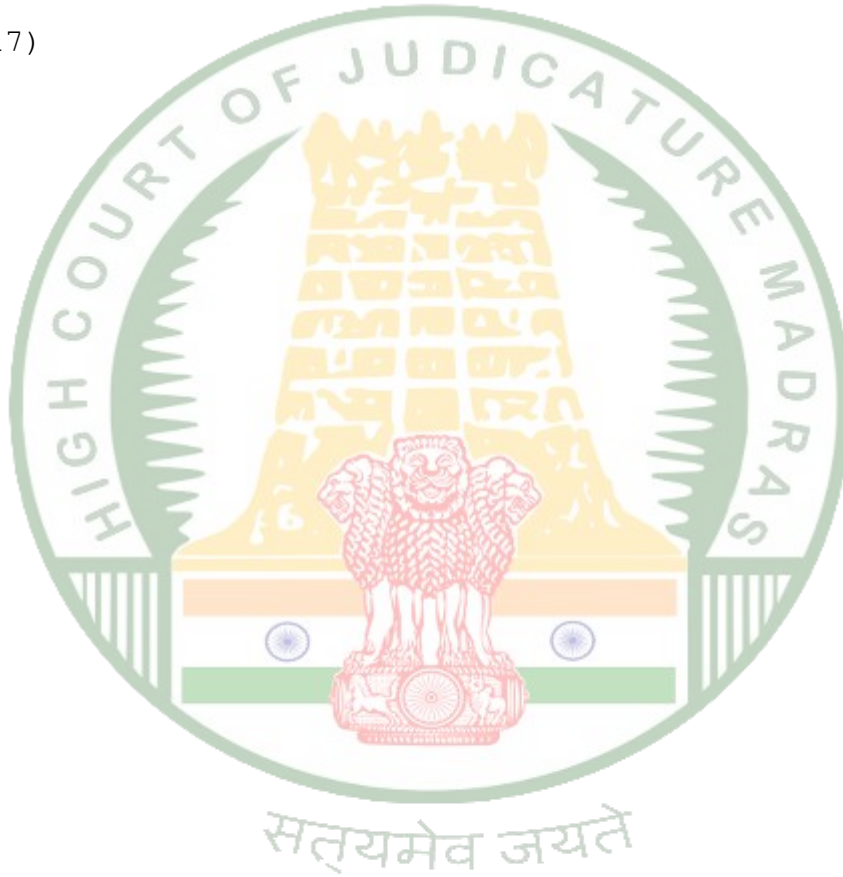
3.The Public Prosecutor,
High Court, Madras - 600 104.

+1cc to Mr.J.Madanagopal Rao,Advocate sr.22232

+1cc to Mr.T.d.Selvan Babu,Advocate sr.22206

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sj(co)
ss(4/5/2017)



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