

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2017

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.28333 of 2004 and

W.M.P.No.34398 of 2004

K.Prabu

...Petitioner

Vs.

The Deputy Superintendent of Police,
Economic Offences Wing II,
Admiralty House,
Government Estate,
Chennai - 600 002.

...Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the respondent relating to the summons dated 29.09.2004 issued by the respondent herein in Ref.I.A.65/2001 and Crl.M.P.No.4/2000 and quash the same and forebear the respondent from in any manner purporting to conduct an enquiry or issuing summons with regard to the subject matter in I.A.No.65/2001 on the file of the Special Court for TNPID Cases, Chennai.

For Petitioner : Mr.AR.L.Sundaresan
Senior Counsel
for Mrs.AL.Ganthimathi

For Respondent : Mrs.K.Bhuvaneshwari
Government Advocate

सत्यमेव जयते
O R D E R

The petitioner has filed this writ petition for issuance of a Writ of Certiorarified Mandamus to quash the summons dated 29.09.2004 issued by the respondent and forebear the respondent from in any manner purporting to conduct an enquiry or issuing summons with regard to the subject matter in I.A.No.65/2001 on the file of the Special Court for TNPID Cases, Chennai.

2.The petitioner was the Managing Director of M/s.Maurya Hotels Madras Pvt. Ltd., who has challenged the summons issued by the respondent on 29.09.2004. The case of the petitioner is that he purchased the land of 10677 sq. ft., bearing D.Nos.168 and 169 Arcot Road, originally belonged to M.Mukundan and he had

leased the said lands initially for a period of 30 years by lease Agreement dated 27.08.1992 to M/s.Maurya Hotels Madras Pvt. Ltd. and subsequently, by a supplementary Agreement dated 29.12.1994, had extended the lease for a further period of 30 years. Both the documents were duly registered.

3.The said M.Mukundan and his wife carried on finance business and had not repaid the deposits and on complaints by a few depositors, the respondent herein registered cases in Crime Nos.8/2000 and 30/2000 etc. for offences under Sections 409 and 420 IPC and Section 5 of the TNPID Act.

4.Thereafter, the respondent filed an application in I.A.No.65/2001 in Crime No.8/2000 on the file of the Court of the Special Judge for TNPID cases, regarding attachment of the property and shares at D.Nos.168 and 169, Arcot Road, Vadapalani, Chennai - 600 026. Accordingly, notice was issued to the petitioner. While so, the respondent also issued summons to the petitioner under Sections 91 and 160 of Cr.P.C. calling upon him to appear before the learned Special Judge for investigation in I.A.No.65 of 2001 in Crime No.8/2000 on the file of the Special Court for TNPID cases, Chennai.

5.The learned Senior Counsel appearing for the petitioner submitted that summons issued for the purpose of investigation in I.A.No.65 of 2001 in Crime No.8/2000 itself was dismissed by the Special Court for TNPID Act cases on 10.03.2010. Hence, the summons issued by the authorities became invalid.

6.The respondent / The Deputy Superintendent of Police did not dispute the order passed by the Special Court in I.A.No.65 of 2001 in Crime No.8 of 2000 [E.O.W.II, Chennai].

7.The summons issued by the respondent herein on 29.09.2004 was dismissed by the Special Court for TNPID Act cases on 10.03.2010 in I.A.No.65 of 2001 in Crime No.8 of 2000. Therefore, the summons issued by the respondent for investigation does not arise.

8.Hence, this Writ Petition is allowed and the summons issued by the respondent on 29.09.2004 is set aside. However, liberty is granted to the respondent to proceed in some other cases, if so required. The petitioner is also granted liberty to defend the same. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

kas/smn

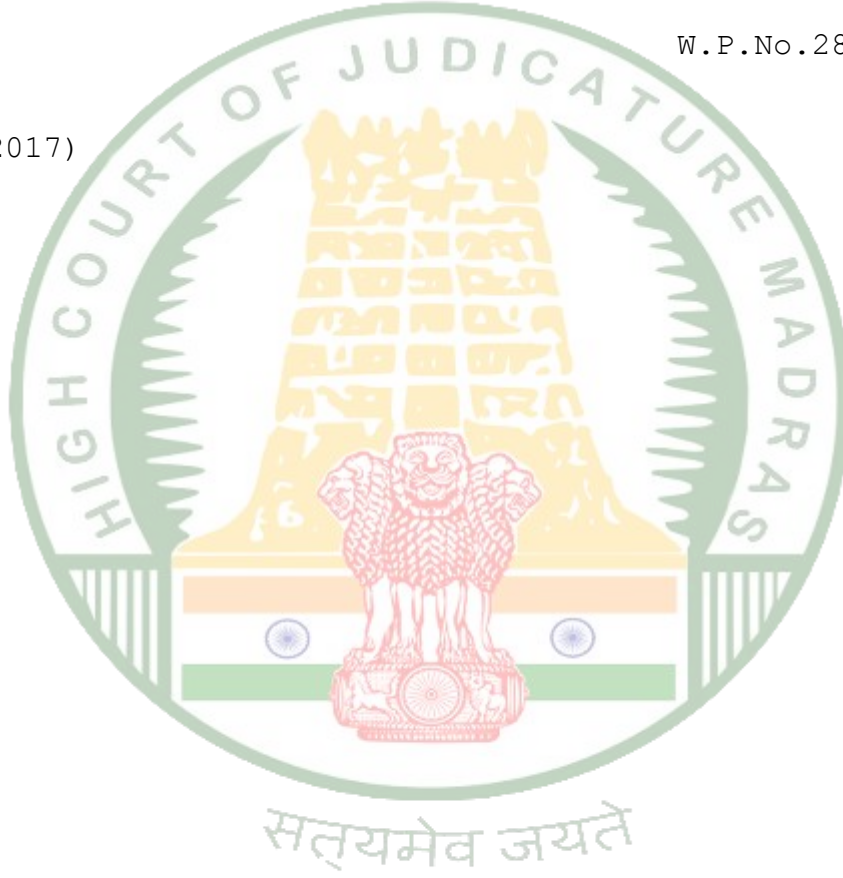
To

The Deputy Superintendent of Police,
Economic Offences Wing II,
Admiralty House,
Government Estate,
Chennai - 600 002.

+lcc to Mr.A.L.Gandhimathi, Advocate, S.R.No.70721
+lcc to the Government Pleader, S.R.No.70888

W.P.No.28333 of 2004

GN(17/11/2017)



WEB COPY