



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 13.06.2017

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL.O.P. (MD) No.4902 of 2017

and

Cr1.M.P. (MD) No.3470 of 2017

WEB COPY

1.Palanivel Thillaikumar
2.Chitra Gowri
3.Sivabalan : Petitioners/Accused Nos.1 to 3

-Vs-

1. State represented by
The Inspector of Police,
Economic Offences Wing,
Tirunelveli.
(Crime No.2/2015). : Respondent/Complainant
2. Ramasubbu : Respondent/Defecto complainant

PRAYER: Petition is filed under Section 482 of the Criminal Procedure Code to call for the records relating to F.I.R. in Crime No.2 of 2015 dated 01.04.2015 on the file of the first respondent police and quash the same as against the petitioners.

For Petitioners : Mr.K.Chellapandian
Senior Counsel
for Mr.B.Viswanathan
For Respondents : Mr.K.Anbarasan
Government Advocate (Cr1.Side)
for R.1

O R D E R

On the complaint lodged by V.Ramasubbu, the respondent police have registered a case in Cr.No.2 of 2015 on 01.04.2015 for the offences under Sections 406 and 420 I.P.C. and Section 5 of TNPID Act against the petitioners herein, challenging which, this quash application has been filed.

2. Heard Mr.K.Chellapandian, learned Senior Counsel appearing for the petitioner and the learned Government Advocate (Cr1.Side) appearing for the first respondent.

3. Ms.K.Rajeswari, Inspector of Police, Economic Offences Wing II, Tirunelveli is present before this Court.



4. It is alleged by the defacto complainant that the petitioners were running Matrix Company, in which they had attracted deposits from various persons and they have failed to repay the amount. Therefore, on the complaint of one of the depositors, viz., Ramasubbu, the present F.I.R. has been registered.

5. The learned Senior Counsel appearing for the petitioners submitted that the petitioners have got enough properties to satisfy the demands made by the depositors.

6. Per contra, the learned Government Advocate (Crl.Side) submitted that 1650 depositors have approached the police with complaints.

7. Under such circumstances, this Court is of the view that when there are *prima facie* materials, this is not a fit case to quash the F.I.R. However, the respondent police are directed to take appropriate proceedings to identify the properties of the petitioners and bring them to sale as contemplated by Section 4 of TNPID Act as expeditious as possible. It is always open to the petitioners to compound with the depositors before the Special Court as provided under Section 5 (A) of the TNPID Act.

8. With the above observations, this Criminal Original Petition is disposed of. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

/True copy/

Sub Assistant Registrar

To:

1. The Inspector of Police,
Economic Offences Wing,
Tirunelveli.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.B.VISWANATHAN, Advocate, SR No. 59870.

SSL

PSM/SV-MMS/SAR2/20.06.2017/2P/4C