

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.10.2018

CORAM

THE HONOURABLE MR.JUSTICE P.RAJAMANICKAM

CRL.O.P.No.23779 of 2015

and

CRL.MP.No.1 of 2015

1.M/s.Compton Business Support Services Pvt.Ltd.,
10/23, Umayal Road,
Kilpauk, Chennai.
2.Peter Balland
3.Raja Sekar Rajkumar
4.Anuradha Sowrirajan

.... Petitioners

Vs.

The Deputy Registrar of Companies, Tamilnadu,
Having Office at Shastri Bhavan,
6, Haddows Road,
Chennai-06.

....Respondent

PRAYER: This Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the entire records connected with the above complaint in E.O.C.C.No.196 of 2015 on the file of the Additional Chief Metropolitan Magistrate EO-II, Egmore, Chennai.

For Petitioners : M/s.K.Jayaraman

For Respondent : Mr.B.Ramesh
Company Prosecutor

सत्यमेव जयते
O R D E R

This Criminal Original Petition has been filed by the accused No.1 to 4 and to quash the proceedings against them in E.O.C.C.No.196 of 2015 on the file of the Additional Chief Metropolitan Magistrate EO-II, Egmore, Chennai.

2.The learned counsel for the petitioners has submitted that the petitioners have submitted that the Balance Sheet manually for the financial year ending on 31.03.2013, in which they have clearly stated that no amount is pending with them towards Unclaimed Matured Debenture. However, in the Balance Sheet submitted through On-line, mistakenly he has been mentioned as Rs.2 is available as Balance towards Unclaimed Mature Debenture.

He further submitted that after knowing the said defect, the petitioners have submitted a revised Balance Sheet through On-line on 31.04.2014 itself and thereafter the respondent herein has issued a show cause notice on 19.08.2014, stating that the petitioners herein have committed an offence punishable under Section 205-C of the Companies Act, 1956. He further submitted that the petitioners have sent reply notice dated 26.08.2014 apprising the real facts but even thereafter the respondent has filed a private complaint and based on the same the learned Additional Chief Metropolitan Magistrate, EO-II, Egmore, Chennai, has taken the case file in E.O.C.C.No.196 of 2015. He further submitted that since actually no amount was pending with the petitioners, based on the statement which was mistakenly mentioned in the On-line Balance Sheet, the respondent cannot prosecute the petitioners and he request to the proceedings against them.

3.The learned Standing Counsel for the respondent has fairly conceded that no amount is pending with the petitioners towards Unclaimed Matured Debenture, but mistakenly it was mentioned in the Balance Sheet submitted through on-line and the same was also rectified subsequently.

4. Actually the petitioners have not retained any Unclaimed Matured Debenture and they have mentioned the said fact in the manual Balance Sheet. However, when they submitted the Balance Sheet through On-line, it was mistakenly mentioned as two Rupees available with them towards Unclaimed Matured Debenture. Subsequently, they have submitted a revised on-line Balance Sheet rectifying the defect and that the said fact also has been informed to the respondent through the reply notice. Hence, the continuation of the prosecution against the petitioners is an abuse process of law and therefore the proceedings against them have to be quashed.

In the result, the petition is allowed. The proceedings against the petitioners herein E.O.C.C.No.196 of 2015 of the file of the Additional Chief Metropolitan Magistrate EO-II, Egmore, Chennai are quashed. Consequently, the connected criminal miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

stm/vv2

To

1.The Additional Chief Metropolitan Magistrate EO-II,
Egmore, Chennai.

2.The Public Prosecutor,
High Court of Madras.

+lcc to M/s.K.Jayaraman, Advocate, S.R.No.71236

Crl.O.P.No.23779 of 2015

ss (CO)
ssm(30/11/2018)



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