

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 30.10.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.O.P.No.25308 of 2018  
and CRL.M.P.Nos.14382 & 14384 of 2018

Ranganathan Jagannathan

.. Petitioner

Vs

1.The Registrar of Companies,  
Tamil Nadu - Coimbatore,  
2<sup>nd</sup> Floor, 683 Trichy Road,  
Singanallur,  
Coimbatore - 641 018.

2.M/s.Regent Saimira Entertainment Limited,  
No.1, India Tower, Ground Floor,  
Gopalapuram,  
Coimbatore - 641 018.

3.Krishnamurthi Subrmanian Srinivasan

4.Srinivasan Varadarajan

5.Panchapikesa Subramania Samibathan

.. Respondents

Criminal Original Petition filed under Section 482 of Cr.P.C., praying to call for the records pertaining to the proceedings in S.T.C.No.4256 of 2017 on the file of the Judicial Magistrate II at Coimbatore, and quash the same therein in so far as it relates to the Petitioner/Accused No.3 herein.

For Petitioner : Ms.R.Prem Raja Kumari

ORDER

The petitioner is an accused in S.T.C.No.4256 of 2017 before the Judicial Magistrate No.III, Coimbatore, on the complaint lodged by the Registrar of Companies for the offences under Section 137(1)/(2) of the Companies Act, 2013, inasmuch as, it is alleged that the petitioner was a Director in M/s.Regent Saimira Entertainment Limited and that the said Company had failed to file the financial statement for the Financial Year ended 31.03.2015 on or before 30.09.2015 in

compliance with Section 137(1) of the Act and hence, the prosecution.

2. Heard Ms. Prem Raja Kumari, learned counsel for the petitioner, who submitted that the petitioner was a Director in M/s. Pyramid Saimira Entertainment Limited, which Company was taken over by the Kolkata based Company, by name, M/s. Regent Saimira Entertainment Limited and that, the petitioner had resigned from the Directorship as early as on 12.11.2011 and therefore, he cannot be prosecuted for the said offences. She also contended that the petitioner had not attended any Board Meeting, after the Company was taken over by M/s. Regent Saimira Entertainment Limited.

3. In the opinion of this Court, though the resignation of the petitioner is said to be on 12.11.2011, the same was not notified to the Registrar of the Companies and the records of the Registrar of Companies shows the name of the petitioner as one of the Directors. As regards the contention of the petitioner that he did not attend any Board Meeting, it is the question on fact, which has to be established only during trial and this Court cannot go into the disputed question of fact in a quash petition. Hence, this petition is closed with liberty to the petitioner to raise all the points before the trial Court. Consequently, connected miscellaneous petitions are closed.

4. However, the petitioner is directed to appear before the trial Court within two weeks from the date of receipt of a copy of this order and file an application under Section 436 Cr.P.C for bail. He shall be released on bail, on he executing a bond for Rs.5,000/- (Rupees Five Thousand only) with two sureties. Thereafter, the petitioner shall be present for receiving the complaint, questioning of charges, examination under Section 313 Cr.P.C. and on the date of judgment. For other hearings, if the petitioner files an application under Section 317 Cr.P.C., the same shall be liberally construed. If the accused adopts any dilatory tactics, the trial Court shall insist upon the presence of the accused. If the accused absconds, a fresh FIR can be registered against him under Section 229-A of IPC.

Sd/-  
Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

dua/gya

To

1.The Registrar of Companies,  
Tamil Nadu - Coimbatore,  
2<sup>nd</sup> Floor, 683 Trichy Road,  
Singanallur, Coimbatore - 641 018.

2.M/s.Regent Saimira Entertainment Limited,  
No.1, India Tower, Ground Floor,  
Gopalapuram, Coimbatore - 641 018.

3. The Judicial Magistrate II,  
Coimbatore.

+lcc to Ms.R.Prem Raja Kumari, Advocate, S.R.No. 89868  
(02/01/2019)

CRL.OP.No.25308 of 2018

GN(15/11/2018)



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