



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.02.2018

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE R. PONGIAPPAN

Crl.O.P.No.4919 of 2013
and
MP (MD) No.1 of 2013

Mubarak Ali ... Petitioner /Accused No.5
Vs.

- 1.State represented by
Deputy Superintendent of Police,
Economic Offences Wing-II,
Cr.No.28 of 2010,
Madurai, Madurai District. ... First Respondent /Complainant
- 2.Devendiran ... Second Respondent/
Defacto complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to call for the records in C.C.No.10 of 2013 on the file of the Special Judge, TANPID Court, Madurai, Madurai District and to quash the same.

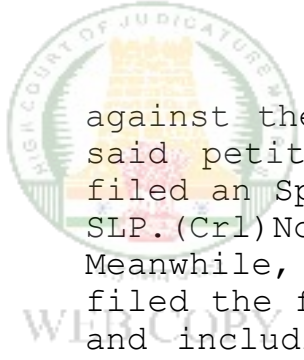
For Petitioner	: Mr.S.Ragaventhre
For R-1	: Mr.A.Robinson
	Government Advocate (Criminal Side)
For R-2	: No appearance

O R D E R

The petitioner herein is the fifth accused in C.C.No.10 of 2013 pending on the file of the learned Special Judge, TNPID Court, Madurai. He filed this application under Section 482 of Cr.P.C. to call for the records pertaining to the above said case and quash the same as illegal.

2.The case of the prosecution is as follows:-

Based on the complaint given by the de-facto complainant viz., Devendran, the first respondent police registered a case in Crime No.25 of 2010 for the offences punishable under Sections 406, 420, 120 (b) IPC and Section 5 of Tamil Nadu Protection of Interests of Depositors (in Financial Establishments) Act. Thereafter, pending investigation, the second and fourth accused in this case have filed petitions in Crl.O.P. (MD) Nos.4890 of 2011 and 4892 of 2011, under Section 482 Cr.P.C. before this Court, to quash the case pending



against them. This Court, vide order dated 30.07.2012, allowed the said petitions. Against which, the State/first respondent herein filed an Special Leave Petitions before the Hon'ble Supreme Court in SLP.(Cr1)Nos.9855 and 9856 of 2014 and the same were allowed. Meanwhile, after completing investigation, the first respondent filed the final report, for which, he excluded the above two accused and including this petitioner as Accused No.5, against which, the petitioner has filed this application to call for the records pertaining to the above mentioned case.

3. During such time, the Hon'ble Apex Court allowed the Special Leave Petition filed by the first respondent for set aside the order passed with regard to the second and fourth accused in the F.I.R. Accordingly, additional charge sheet has been filed and thereafter, the same was taken on file as C.C.No.3 of 2016. On a bare perusal of the entire things in this application, would go to show that the charge sheet with regard to the petitioner in C.C.No.10 of 2013 is not in existence. So, the petitioner has not taken any steps to amend the petition. So, prayer sought by the petitioner has become infructuous.

4. In the above circumstances, without any alternative, this Court has decided to dismiss the application after giving liberty to file a fresh application after mentioning the entire things.

This Criminal Original Petition is dismissed as infructuous. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(AS)

/True copy/

Sub Assistant Registrar

To

1. The Special Judge,
TANPID Court, Madurai, Madurai District.

2. The Deputy Superintendent of Police,
Economic Offences Wing-II,
Madurai, Madurai District.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Cr1.O.P. (MD) .No.4919 of 2013
26.02.2018

is

MS/KK/SAR-1/17.04.2018/2P.4C