

SMT. JUSTICE T.RAJANI

CRIMINAL PETITION No.7028 of 2012

ORDER:

This criminal petition is filed under Section 482 Cr.P.C., seeking to quash the proceedings in C.C.No.212 of 2012 on the file of the Special Judge for Economic Offences, Hyderabad, registered for the offences under Sections 159, 161 and 162 of the Companies Act, 1956, against the petitioner/A1.

2. Heard learned counsel for the petitioner and learned Public Prosecutor for the first respondent-State. None appears for the second respondent.

3. Learned counsel for the petitioner submits that as per the allegations in the complaint, the petitioner did not file annual returns by 30.09.2011, but the petitioner and other accused obtained extension of time for filing the said annual returns. He also enclosed the order of the Government of India, Ministry of Corporate affairs dated 30.09.2011, issued by the Deputy Registrar of Companies, Andhra Pradesh, showing extension of time for a period of three months for conducting Annual General Meeting till 31.12.2011.

4. The complaint is filed only with regard to the violation committed by the petitioner in not filing the annual returns by 30.09.2011. Since the time for conducting the annual general meeting was extended by virtue of the letter dated 30.09.2011, there can be no offence as alleged against the petitioner. Hence, this Court opines that continuation of proceedings against the petitioner

would only be an abuse of process of law and the proceedings are liable to be quashed against petitioner/A1.

5. Accordingly, the Criminal Petition is allowed, quashing the proceedings in C.C.No.212 of 2012 on the file of the Special Judge for Economic Offences, Hyderabad, against the petitioner/A1. Miscellaneous applications, if any, pending in this criminal petition shall stand closed.

30th October, 2018.

T. RAJANI, J

Note:
Issue CC today.
sj

