

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.12.2019

CORAM

THE HONOURABLE Mr.JUSTICE M.DHANDAPANI

Crl.O.P.No.13060 of 2003

Multiple Finance and Investments,
Rep. by Managing Director,
N.Krishnan

... Petitioner

Vs.

State rep. by
Inspector of Police,
Economic Offences Wing - II,
Kancheepuram.

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to call for the records in CC.No.13 of 2002 pending on the file of the Special Judge, for TNPID Act and quash the same.

For Petitioner : Mr.R.Diwakaran

For Respondents : Mrs.Saradha Devi.V
Government Advocate (Crl. Side)

O R D E R

The case of the petitioner is that the Finance Company filed a petition under Section 482 of the Code of Criminal Procedure to call for the records in CC.No.13 of 2002 pending on the file of the Special Judge for TNPID Act and quash the same. The case was listed today without EB.

2. The learned counsel for the petitioner would submit that the petitioner firm had 16 branch office all over Tamil Nadu including Kancheepuram, Madurai, Vellore, Tirunelveli, Hosur and Trichy. The Special Judge for TNPID Act has no jurisdiction to try offences which is said to have been committed between 11.11.1995 to 11.11.1996 and the case was registered by the respondent on 07.04.1997 before the enactment of TNPID Act. Hence, he seeks for quashing of CC.No.13 of 2002.

3. Considering the facts and circumstances, the similar type of issue has been considered by the Hon'ble Apex court and had laid down the principles which are required to be taken into

consideration by the High Court while exercising its jurisdiction under Section 482 of Cr.P.C for quashing the proceedings. The following observation was made by the Apex court in State of Haryana Vs. Bhajan Lal:

''(i)Where the allegations made in the First Information Report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.

(ii)Where the allegations in the First Information Report and other materials, if any, accompanying the FIR do not disclose a cognizable offence, justifying an investigation by police officers under S.156 (1) of the Code except under an order of a Magistrate within the purview of S.155(2) of the Code.

(iii)Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.

(iv)Where, the allegations in the FIR, do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of Magistrate as contemplated under S.155(2) of the Code.

(v)Where, the allegations in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused.

(vi)Where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party.

(vii)Where a criminal proceeding is manifestly attended with malafide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge.''

4. In view of the above and also in view of the fact that 16 years have lapsed, this Criminal Original Petition could not be entertained before this court. Accordingly, this Criminal Original Petition is dismissed.

Sd/-
Assistant Registrar (CS-III)

//True copy//

Sub Assistant Registrar

dsa

To

1. The Special Judge for TNPID Act.
2. The Section Officer,
Criminal Records,
High Court of Madras, Chennai.
3. The Inspector of Police,
Economic Offences Wing - II,
Kancheepuram.
- 4 The Public Prosecutor,
High Court, Madras

Cr1.O.P.No.13060 of 2003

SVI (CO)
GMY (29/01/2020)

WEB COPY