



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.07.2019

CORAM:

THE HONOURABLE MR. JUSTICE A.D. JAGADISH CHANDIRA

Crl.O.P.No.11650 of 2019 and
CRL.MP.Nos.6024 & 6025 of 2019

M.P.Padmavathi Devi

... Petitioner/A-3

Vs.

State By:

The Superintendent of Police,
CBI/ EOW,
Rajaji Bhavan, III Floor,
Vesant Nagar, Chennai-600 090.

... Respondent/complainant

PRAYER: This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to call for the records and quash the proceedings in C.C.No.66 of 2016 on the file of the learned Principal Sessions Judge, Chennai as against the petitioner.

For Petitioner : Mr.Ramesh Kumar K.R.

For Respondent : Mr.K.Srinivasan
Special Public Prosecutor (CBI)

ORDER

This Criminal Original Petition has been filed by the petitioner to quash the proceedings in C.C.No.66 of 2016 on the file of the learned Principal Sessions Judge, Chennai, as against the petitioner.

2 The learned counsel for the petitioner would submit that the petitioner has been arrayed as Accused No.3 in C.C.No.66/2016 pending trial on the file of the learned Principal Sessions Judge, Chennai for the alleged offences under Section 120-B r/w.420, 467, 468 and 471 of IPC. He would further submit that the petitioner was only a Non-Executive Director and the entire affairs of the company was handled by the first accused viz., M. Palanichamy, who is her father and no documents have been produced before the Trial Court to show that the petitioner herein had involved in the day-to-day affairs of the company Viz., M/s.Galaxy Amaze Kingdom Ltd.,



3 He would further submit that the case of civil liability had been falsely projected as the case of criminal conspiracy and fabrication of documents to cheat the Bank. He would also submit that apart from merely stating that false and forged documents were created, the prosecution has not been able to produce even a single document to prove the charge against the petitioner. He would submit that the charges are totally vague and unspecific.

4 He would further submit that the entire loan has been settled by the petitioner and there is absolutely no loss to the Bank and moreover, the Vigilance Department of the Bank, by its letter dated 31.08.2006, vide Reference No.VIG/SD/T.Nagar/2333(3)/2006, had given an opinion stating that the case has been registered on the basis of suspicion and that it was difficult to conclude that the transactions under the said discounted bills were accommodation in nature and to establish the fraud for taking action against the borrower and such an opinion is conclusive of the facts and thereby, no criminal action can be initiated against the petitioner and the criminal prosecution is liable to be set-aside.

5 The respondent had filed a detailed counter. The learned Special Public Prosecutor [CBI] appearing for the respondent would submit that there are ample materials against the petitioner for having committed the offences charged. He would submit that the the prosecution in order to substantiate the charges has produced and marked several documents and PW.32 has spoken about those documents. He would further submit that the case is at the stage of questioning under Section 313 Cr.P.C, and at this stage, this Court cannot interfere and interdict the proceedings by invoking the inherent powers of this Court.

6 The case is at the stage of questioning u/s.313 Cr.P.C. This Court is of the opinion that it would not be proper for this Court to invoke the inherent jurisdiction where especially the grounds raised by the petitioner are factual in nature.

7 At this juncture, the learned counsel for the petitioner seeks the indulgence of this Court to permit him to withdraw this present criminal original petition and he has also made an endorsement in the petition to that effect. The learned counsel for the petitioner would pray that the petitioner may be granted liberty to raise all her grounds at the stage of defence before the Court below and a direction may be given to the trial Court.



8 The Criminal Original Petition stands dismissed as withdrawn. Liberty is granted to the petitioner to raise all the grounds at the stage of defence before the trial Court. Consequently, the connected miscellaneous petitions are also dismissed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

jrs

To

1. The Sessions Judge,
The Principal Sessions Court,
Chennai.
2. The Superintendent of Police,
CBI/ EOW, Rajaji Bhavan, III Floor,
Vesant Nagar, Chennai-600 090.
3. The Special Public Prosecutor,
CBI Cases, Madras High Court.

Cr1.O.P.No.11650 of 2019

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srg 28/08/2019