

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.08.2019

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Cr1.O.P.No.20091 of 2019

1.S.S.D.Oil Mills Company Limited,
New No.52, Old No.36, 48th Street,
Ashok Nagar, Chennai - 600 083.
Represented by Accused No.2.

2.Ramamoorthy Duraisamy
3.Deepan Dorai Ramamoorthy

4.Indra Ramamoorthy,
Managing Director,
11th Avenue, Ashok Nagar,
Chennai - 600 083.

... Petitioners

/versus/

The Deputy Registrar of Companies, Tamil Nadu,
Shastri Bhavan,
No.20, Haddows Road, Chennai - 600 006.

... Respondent

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records vide in E.O.C.C.No.72 of 2018, on the file of the Additional Chief Metropolitan Magistrate (Economic Offences) Court, Egmore, Chennai and to quash the same.

For Petitioners :M/s.B.Mohanraj

For Respondent :Mr.D.Ramesh Kumar

Central Govt. Standing counsel

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O R D E R

This petition has been filed seeking for quashing the proceedings pending in E.O.C.C.No.72 of 2018, on the file of the Additional Chief Metropolitan Magistrate (Economic Offences) Court, Egmore, Chennai.

2. The respondent has filed a complaint against the petitioners under Sections 148(6) r/w 148(8) of the Companies

Act, 2013, r/w Sub Rule (1) of Rule 6 of the Companies (Cost records and Audit) Rules, 2014, on the ground that the petitioners had failed to comply with the mandatory provisions by not appointing a cost auditor within the time limit prescribed under the Act.

3. In the meantime, the petitioners approached the concerned authority to compound the offence. The Regional Director, (Southern Region) Ministry of Corporate Affairs, Chennai, by an order dated 26.12.2018, compounded the offence and levied a fee against the petitioners. The petitioners have also paid the compounding fees, pursuant to the orders passed by the above said authority.

4. Heard, the learned counsel appearing for the petitioner and the learned Central Government Standing Counsel appearing on behalf of the respondent police.

5. In view of the above development, no useful purpose will be served in keeping the proceedings pending and accordingly the proceedings in E.O.C.C.No.72 of 2018, on the file of the Additional Chief Metropolitan Magistrate (Economic Offences) Court, Egmore, Chennai, is hereby quashed. Accordingly, this Criminal Original Petition is allowed.

s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

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To

1.The Additional Chief Metropolitan Magistrate (Economic Offences) Court, Egmore, Chennai

2.The Deputy Registrar of Companies, Tamil Nadu,
Shastri Bhavan,
No.20, Haddows Road, Chennai - 600 006.

+1 CC to Mr.B. Mohan Raj, Advocate sr 68198.

+1 CC to Mr.D.Ramesh Kumar, Advocate sr 67777.

Cr1.O.P.No.20091 of 2019

MP (CO)

SP(12/09/2019)