



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.12.2019

CORAM:

THE HONOURABLE MR. JUSTICE A.D. JAGADISH CHANDIRA

Crl.O.P. (MD) .No.13216 of 2019

and Crl.M.P. (MD) No.8115 of 2019

1. S. Somasundaram

2. A. Jeyapadma

..Petitioners/Accused No.7,8

Vs.

R. Jegadeeshwaran

... Respondent/Complainant

PRAYER: This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to the complaint in C.C. No. 152 of 2018 dated on.12.2.2018 on the file of the learned Judicial Magistrate No.I, Nagercoil for the offences under Sections 406 & 420 of IPC and quash the same as illegal as against the petitioners alone.

For Petitioners : Mr.T. Lajapathi Roy

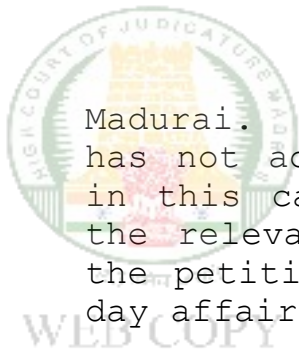
For Respondent : Mr. M. Suri

O R D E R

The Criminal Original Petition has been filed to quash the complaint in C.C. No. 152 of 2018 dated 12.2.2018 pending on the file of the learned Judicial Magistrate No.I, Nagercoil for the offences under Sections 406 & 420 of IPC and quash the same against the petitioners.

2. The learned counsel appearing for the petitioners would submit that based on a complaint given by the complainant to the Economic Offences Wing-II, Kanyakumari District at Nagercoil, a case has been registered in Crime No. 1 of 2016 for the offences under Sections 406, 420, 120(b) of IPC and 5 of Tamil Nadu Protection of interests of Depositors (In Financial Establishment) Act, 1997 against the Directors of 'Rajakkamangalam Benefit Fund Limited' and the same has been taken cognizance in C.C. No. 11 of 2018 on the file of the Special Court for TNPID Act Cases, Madurai. He would further submit that the petitioners are erstwhile directors of 'Rajakkamangalam Benefit Fund Limited'. Previously, a complaint has given against the 'Rajakkamangalam Benefit Fund Limited' and its Directors in respect of non pre-payment of deposits. Since the police officials had failed to take action the respondent/complainant has filed a private complaint which is pending in C.C. No. 152 of 2018 on the file of the learned Judicial Magistrate No.I, Nagercoil. Whereas, later point of time, some other depositors have preferred a complaint to the Economic Offences Wing-II, Kanyakumari district at Nagercoil and a case has been registered in Crime No.1 of 2016 for the offences under Sections 406, 420, 120B of IPC and Section 5 of TNPID Act and the same has been taken in C.C. No. 11 of 2018 the

<https://hcservices.ecus.gopd/mchivres> for trial on the file of the TNPID Act Cases,



Madurai. He would further submit that the respondent/complainant has not add 'Rajakkamangalam Benefit Fund Limited' as an accused in this case and that the petitioners were not directors during the relevant point of time when the deposits were made and that the petitioners were also not responsible for the Company day-to-day affairs.

3. The learned counsel appearing for the respondent/complainant would submit that since police did not take action based on a complaint given by the respondent/complainant he has also filed a private complaint. However, he would further submit that at later point of time based on a complaint given by the other victims/depositors the Economic Offences Wing, Kanyakumari District at Nagercoil had registered a case in Crime No.1 of 2016 and the case is now pending in C.C.No. No. 11 of 2018 on the file of the TNPID Act Cases, Madurai.He would further submit that, though the respondent is a victim/depositors he has not been added as a witness.

4. Heard the learned counsel appearing for the petitioners and the learned counsel appearing for the respondent and perused the materials available on record.

5. The complaint is in respect of non-payment of matured deposits with 'Rajakkamangalam Benefit Fund Limited' and the company has not been arrayed as accused and that the petitioners were also not directors during the relevant period when the deposits were made. This Court is of the opinion that the complaint in C.C. No. 152 of 2018 pending on the file of the learned Judicial Magistrate No.I, Nagercoil is an abuse of process of law, thereby it is liable to be quashed.

6. Accordingly, the instant Criminal Original Petition is allowed and the complaint in C.C. No. 152 of 2018 pending on the file of the learned Judicial Magistrate No.I, Nagercoil for the offences under Sections 406 & 420 of IPC is quashed. Since the respondent/complainant is a victim he is at liberty to file appropriate petition before the Special Court for TNPID Act Cases, Madurai. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD I)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)



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To

The Judicial Magistrate No.I,
Nagercoil.

WEB COPY

+1 CC to MR.M.SURI, Advocate (SR-105505[F] dated 18/12/2019)

+1 CC to MR.T.LAJAPATHIROY, Advocate (SR-105897[F] dated
19/12/2019)

CrI.O.P. (MD) .No.13216 of 2019
17.12.2019

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