

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 13.10.2020
Pronounced on : 28.10.2020

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Crl.O.P.No.22892 of 2016
and Crl.M.P.No.10717 of 2016

1.M.Ranganathan
2.E.Ettiappan

..Petitioners / Accused No.6 & 7

Vs.

1.State, rep by
The Inspector of Police
Economic Offence Wing-II
Chennai - 600 007.
Crime No.3 of 2016

...1st Respondent / Complainant

2.Jayabarathi

...2nd Respondent / Defacto Complainant

Criminal Original Petition filed under Section 482 Cr.P.C.,
to call for the records in Crime No.03 of 2016 on the file of
the first respondent, Inspector of Police, Economic Offence
Wing-II, Chennai, for the offence under Section 406, 420 & 120
(b) IPC r/w. Section 5 of TNPID Act, and quash the same.

For Petitioners: Mr.Suresh Samson

For Respondents: Mrs.P.Kritika Kamal

Govt Advocate [Crl. Side] for R1

R2 - No appearance

ORDER

This Criminal Original Petition has been filed to quash the
Crime No.03 of 2016 on the file of the first respondent-police,
as against the petitioners / accused 6 and 7.

2. On the complaint lodged by one Jayabarathi (second
respondent herein), the police registered a case in Crime No.3
of 2016 for the offences under Sections 406, 420 & 120(b) IPC

r/w. Section 5 of TNPID Act, against M/s.HBN Dairies & Allied Ltd., and 7 others, for quashing which, Ranganathan (A6) and Ettiappan (A7) have filed the present quash petition.

3. On 06.10.2020, this Court passed the following order :
" When the matter was taken up for hearing, Mr.C.V.Kumar, learned counsel for the petitioner submitted that the party has taken change of vakalat. Similarly, Mrs.Uma, learned counsel for the defacto complainant submitted that her client has also taken back the bundle.

2. This Court directs the first respondent/Police to produce the petitioners herein by video conferencing from the Police Station on 13.10.2020 at 2.30 p.m.

3. The original typed set of papers has been handed over to Mr.L.Charles, learned Government Advocate (Crl. Side)."

4. On 13.10.2020, the police produced Ranganathan and Ettiappan from the Police Station via video conferencing.

5. Mr.Suresh Samson, Advocate [Enrl.No.Ms 3809/2018] has entered appearance for the petitioners. Heard Mr.Suresh Samson, learned counsel for the petitioners and Mrs.P.Kritika Kamal, learned Government Advocate (Criminal Side) for the first respondent-State.

6. Before advertng to the rival submissions, it may be necessary to allude to the broad allegations in the FIR; in that M/s.HBN Dairies & Allied Limited (A-1) had collected monies as deposits from the public under various money multiplying schemes and defaulted in repayment.

7. The police have filed a status report dated 22.09.2020 and the relevant portion of which is as under :

"(3) It is submitted that on 05.03.2016, Tmt.Jayabharathi, W/o.Kumaravel, No.8A-S3 Iswaryam Galaxy, Kovil Pathagai, Indira Nagar, Avadi, Chennai-62 had prferred a complaint to the Inspector of Police, Economic Offences Wing-II, Chennai stating that she had deposited with M/s.HBN Diaries & Allied Ltd., a sum of Rs.27,000/- vide monthly deposits of Rs.300/- from October 2009 to April 2015. The deposits matured by April 2015 and even after approaching Chennai Branch Office functioning at No.801, Ummidiyar Shopping Complex, Anna Salai, Chennai-

2 and Corporate Office functioning at Delhi, she could not get back the deposited amount. Hence, she preferred a complaint before Economic Offences Wing II, Chennai.

(4) On the basis of the above complaint, a case was registered by Inspector of Police, Economic Offences Wing II, Chennai by assigning Cr.No.03/2016 u/s. 406, 420, 120-B IPC & Sec.5 of TNPID Act against

A1 M/s. HBN Diaries & Allied Ltd.

A2 Tr.Amardeep Singh Saran - Managing Director of A1

A3 Tr. Armendhar Singh Saran- Director of A1

A4 Tr. Kamalesh- Assistant General Manager

A5 Tr.Ravindra Kumar - Manager

A6 Tr.M.Ranganathan - Sr. C.E.D / South

A7 Tr.Ettiyappan - C.E.D / South

A8 Tr.Muthaiyan - Manager & Others

and commenced the investigation.

(5) It is submitted that A2 Tr.Amardeep Singh Saran - Director of the default company was arrested at Delhi by Raipur Police and was lodged at Central Jail, Raipur, Chhatisgarh State. A3 to A5 are absconding and A6 to A8 have been granted Anticipatory Bail by this Hon'ble Court."

8. Though it appears that the petitioners were mere employees of M/s.HBN Diaries & Allied Ltd., it is premature to quash the FIR against them. The petitioners have already obtained anticipatory bail. Since the investigation is in progress, and only when it culminates, can the culpability or otherwise, of the petitioners determined. Hence, the present petition is dismissed, and if the Investigating Officer finds that the petitioners were merely working in M/s.HBN Diaries & Allied Ltd., it is needless to state that they should be excluded from the array of accused in the final report. Consequently, connected miscellaneous petition is closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

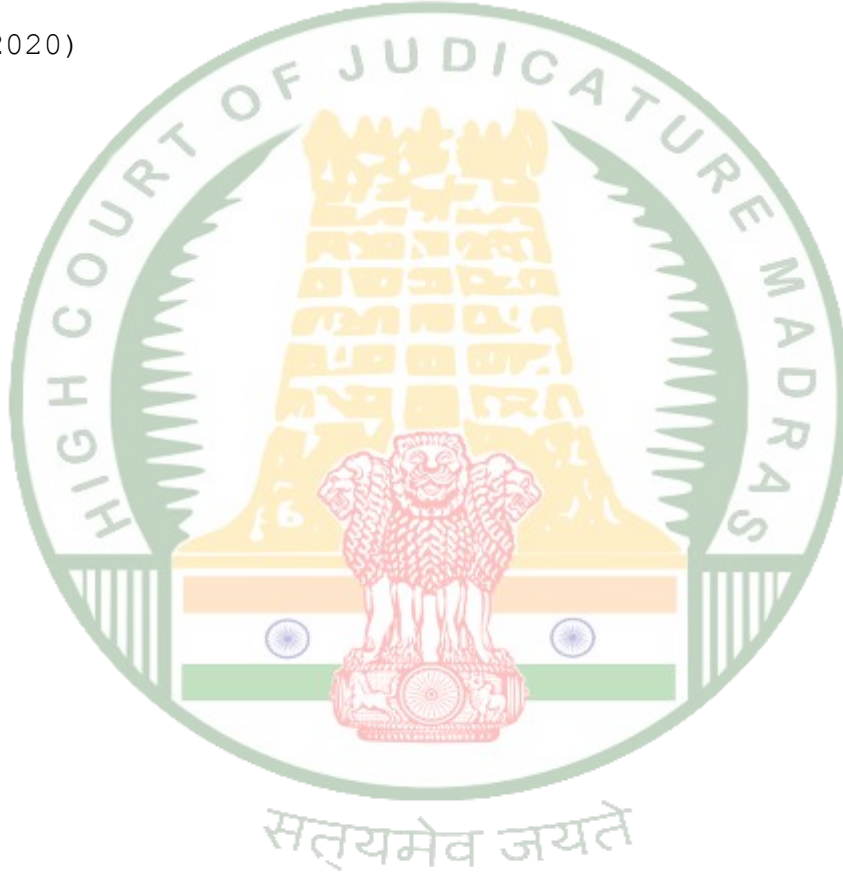
To:

1.The Inspector of Police
Economic Offence Wing-II, Chennai - 600 007.

2.The Additional Public Prosecutor,
High Court, Madras.

CrI.O.P.No.22892 of 2016

RR(CO)
SP(07/12/2020)



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