

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 03.02.2020
CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.7620 of 2014
and
M.P.No.1 of 2014

K.R.Subramaniam

...Petitioner

Vs.

1.M.Thiyagarajan
2.Uma Maheswari Mills Ltd.,
Having its Registered Office
At 5/329, State Bank Colony No.2,
Salem - 636004.

3.R.Ramanathan
4.R.Valliammai
5.R.S.Ramanathan

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records relating to C.C.No.43 of 2008 on the file of the Special Court for Tamil Nadu Protection of Interest of Depositors Act, Coimbatore and quash the same.

For Petitioner : Mr.Um.Ravichandran

For Respondents: Mr.K.Sugumaran
for R1

No Appearance
for R2 to R5

ORDER

This Criminal Original Petition has been filed seeking to quash the proceedings in C.C.No.43 of 2008 on the file of the Special Court for Tamil Nadu Protection of Interest of Depositors Act, Coimbatore.

2.The case of the prosecution is that the petitioner herein is one of the accused in C.C.No.43 of 2008. The 1st respondent/complainant filed a complaint under Section 190 Cr.P.C. read with Section 5 of the TNPID Act on the file of the

learned Special Judge, TNPID Act, Chennai in C.C.No.150 of 2004, alleging non payment of fixed deposit on its maturity that he made to the 2nd respondent herein. Challenging the said complaint, the petitioner/3rd accused filed the present petition before this Court.

3.Mr.Um.Ravichandran, learned counsel for the petitioner would submit that on an earlier occasion, a similar type of issue was raised before this Court in Crl.O.P.Nos.21711 and 35339 of 2007, wherein the same issue was discussed elaborately and the said petitions came to be dismissed. Aggrieved by the said order, the petitioner herein filed SLP to Appeal (Crl.) No. 53 of 2009 before the Hon'ble Apex Court. While entertaining the appeal, the Hon'ble Apex Court granted interim stay and based on which, this Court entertained this Criminal Original Petition and granted an order of interim stay. The learned counsel would also submit that the complaint made by the complainant is not maintainable, since the competent authority alone is competent to initiate the proceedings before the Special Court as per Section 4 of the TNPID Act and hence, he prays for allowing the present petition.

4.Per contra, Mr.K.Sugumaran, learned counsel appearing for the 1st respondent/complainant disputed the facts submitted by the learned counsel for the petitioner and submitted that the Special Leave Petition No.53 of 2009 was subsequently dismissed as withdrawn and hence, the order passed by this Court in Crl.O.P.Nos. 21711 and 35339 of 2007 came to be revived. Hence, the very same order is applicable to the present case on hand.

5.This Court has given careful consideration to the submissions made by the respective counsels.

6.Taking into consideration the fact that this issue had already been dealt with by this Court in Crl.O.P.Nos. 21711 and 35339 of 2007, wherein it has been held that an individual has the right to lodge a private complaint, this Court is of the view that the submission made by the learned counsel for the petitioner that the competent authority alone has the right to initiate proceedings before the Special Court under Section 4 of the TNPID Act, is not acceptable. In view of the same, no more adjudication is required in this petition.

7. Accordingly, the present Criminal Original Petition stands dismissed and the Trial Court is directed to expedite the trial as expeditiously as possible. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CS V)

/true copy/
Sub Asst. Registrar

hvk
To

The Judge Special Court for TNPID Act,
Coimbatore.

copy to
The Section Officer
Criminal Section
High Court
Madras

+1 cc to M/s.UM.Ravichandran advocate sr8018
+1 cc to M/s.S.Sukumaran Advocate sr8017

Crl.O.P.No.7620 of 2014
and
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bp(co)
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