



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.03.2020

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P(MD)No.3976 of 2020

and

Crl.M.P.(MD)No.2201 of 2020

M.Gnanajothi Simiyon

... Petitioner

Vs.

1.State rep by
Economic Offences Wing,
Madurai City,
Madurai.
In Crime No.1 of 2019

2.M. Velu

... Respondents

Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records in F.I.R. in Crime No.1 of 2019 on the file of the first respondent dated 02.01.2019 and quash the same sofar as the petitioner is concerned.

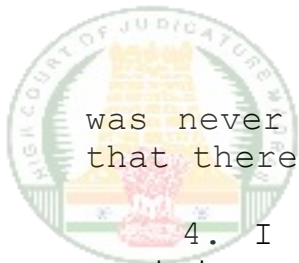
For Petitioner : Mr.K.Samidurai
For Respondents : Mr.A.Robinson
Govt. Advocate (Crl. Side) for R1

ORDER

This criminal original petition is filed by the fifth accused for quashing the impugned FIR as far as she is concerned.

2.The first respondent registered the impugned FIR in Crime No.1 of 2019 based on the complaint of the second respondent for the offences under Sections 406, 420 and 120(b) of I.P.C. and Section 5 of Taminlnadu Protection of Interest of Depositors (in Financial Establishment) Act.

3.The defaulting financial establishment namely Jeevan Property Promoter Indian Ltd., had the petitioner as one of its Directors for few years ie., from 2011 to 2016. The learned counsel appearing for the petitioner submits that the petitioner



was never in charge of the day-today affairs of the company and that therefore implicating her in this FIR is not warranted.

4. I am not persuaded by the said submission. Whether the petitioner was in charge of the day today operations or not is a matter for trial or investigation and it cannot be gone into in the proceedings under Section 482 of Cr.P.C. At this stage, the learned Government Advocate (Cr1. Side) points out that there are as many as 1040 depositors and that the default amount would come to more than Rs.3 Crores. He would also point out that the petitioner is owning lands which are worth more than Rs.4 Crores. The specific stand of the investigation officer is that the said property was purchased by the petitioner after the company was started. Therefore, conspiracy among the directors cannot be ruled out. In any event, these are matters for investigation. Therefore, leaving open the petitioner's defences, this criminal original petition stands dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(P & A)

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/ /2020

Sub Assistant Registrar(CS)

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To:

1. The Economic Offences Wing,
Madurai City,
Madurai.

2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.K.SAMIDURAI, Advocate (SR-10110[F] dated 04/03/2020)

Cr1.O.P(MD)No.3976 of 2020
03.03.2020

BUC(CO)

TR(13.03.2020)2P 4C