



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.12.2020

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THE HONOURABLE **MRS.JUSTICE J.NISHA BANU**

Crl.O.P. (MD) No.15220 of 2020
and Crl.O.P. (MD) Nos.7338 & 7339 of 2020

1.R.S.Krishna Kumari
2.R.Ramanathan
3.R.Karthikeyan
4.R.Meenakshi Sundaram ... Petitioners

Vs.

1.The State rep by
The Inspector of Police,
Economic Offence Wing-II, Madurai.
(Crime No.07 of 2018)

2.The Deputy Superintendent of Police,
Economic Offence Wing-II, Madurai.

3.Radhakrishnan ... Respondents

Prayer : Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records in connection with C.C.No.13 of 2019 on the file of the learned Special Court for TANPID Act, Madurai and quash the same as against the petitioners.

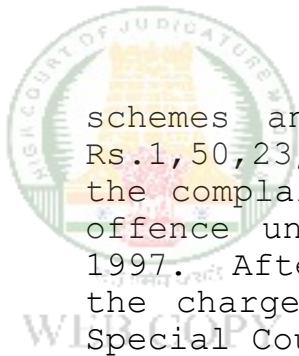
For Petitioners : Mr.M.Makesh Kumaravel, Advocate

For R1 & R2 : Ms.S.E.Veronica Vincent,
Government Advocate.

ORDER

This criminal original petition has been filed to quash the charge sheet in C.C.No.13 of 2019 on the file of the learned Special Court for TANPID Act, Madurai.

2.The learned counsel appearing for the petitioners would submit that the third respondent herein made a complaint before the first respondent police by alleging that A1 and A2 are Financial Company namely Maathru Farms Private Limited and Maathru Resorts Limited. The petitioners herein are arrayed as A4 to A7. A3 to A9 had established offices in various places for the purpose of earning money from the public fraudulently and thereby created various



schemes and received money from the depositors to the tune of Rs.1,50,23,025/-. However, they failed to repay the same. Based on the complaint, a case in crime No.07 of 2018 was registered for the offence under Sections 120(b), 420, 406 IPC and 5 of TNPID Act, 1997. After completion of investigation, the first respondent filed the charge sheet in C.C.No.13 of 2019 on the file of the learned Special Court for TANPID Act, Madurai.

3.The learned counsel for the petitioners would submit that the petitioners herein no way connected with the allegation levelled by the third respondent and they are family members of A3 and therefore, they were roped into this case. A3 only administered the day to day affairs of the Company. He would further submit that there is no evidence to show that the petitioners have canvassed and collected deposits from the depositors. Hence, the petitioners filed the present petition seeking the aforesaid relief.

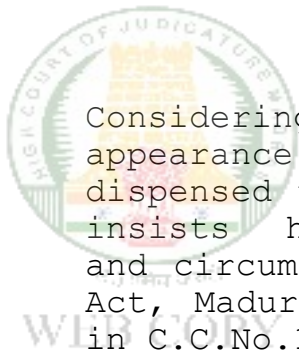
4.The learned Government Advocate appearing for the first and second respondents, on instructions, would submit that the petitioners and other accused have committed serious offence and there are specific allegations as against the petitioners herein. First petitioner is the wife of A3, who is the Director of the Company and the petitioners 2 to 4 are sons of A3 who are share holders and would pray for dismissal.

5.Heard the learned counsel for the petitioners and the learned Government Advocate appearing for the first and second respondent and perused the materials available on record. In view of the order going to be passed, notice to the third respondent is not necessary.

6.The Hon'ble Supreme Court by judgment dated 02.12.2019 in **Crl.A.No.1817 of 2019 in the case of M.Jayanthi vs. K.R.Meenakshi and another** has held as follows:-

'9.It is too late in the day to seek reference to any authority for the proposition that while invoking the power under Section 482 Cr.P.C for quashing a complaint or a charge, the Court should not embark upon an enquiry into the validity of the evidence available. All that the Court should see is as to whether there are allegations in the complaint which form the basis for the ingredients that constitute certain offences complained of. The Court may also be entitled to see (i) whether the preconditions requisite for taking cognizance have been complied with or not; and (ii) whether the allegations contained in the complaint, even if accepted in entirety, would not constitute the offence alleged.'

7.Here in the present case, the petitioners are Directors and share holders of the Company and therefore, the grounds raised in this petition can be gone into only in a full-fledged trial.



Considering the facts and circumstances of the case, the personal appearance of the first petitioner alone before the trial Court is dispensed with except during the dates on which, the learned Judge insists her appearance if it is necessary. Considering the facts and circumstance of the case, the learned Special Court for TANPID Act, Madurai, is directed to conclude the entire trial proceedings in C.C.No.13 of 2019 as expeditiously as possible.

8.With the above direction, this criminal original petition is dismissed. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (Records)

/TRUE COPY/

/ /2021
Sub Assistant Registrar

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Judge, Special Court for TANPID Act, Madurai.
- 2.The Inspector of Police,
Economic Offence Wing-II, Madurai.
- 3.The Deputy Superintendent of Police,
Economic Offence Wing-II, Madurai.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy To:

The Registrar (Judicial),
Madurai Bench of Madras High Court, Madurai.

+1. C.C. to M/S.M.Makesh Kumaravel, Advocate SR.No. 26906

Crl.O.P. (MD)No.15220 of 2020

gns
JM/19.01.2021/3P/7C