



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.02.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

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Crl.O.P. (MD)No.6200 of 2015

and

M.P. (MD)No.1 of 2015 and

Crl.M.P. (MD)Nos.7088 of 2016

1.Madhucon Granites Private Limited

No.163, LIG Colony,

K.K.Nagar, Madurai-20.

2.Nama.Nageshwar Rav

3.Nama Krishnaiah

4.Thottampudi Venugopal Rav

5.Jayanth

... Petitioners

-vs-

The District Collector,

Madurai District,

Madurai.

... Respondent

PRAYER: Petition filed under Section 482 of the Criminal Procedure Code to call for the records and quash the case in C.C.No.46 of 2015 on the file of the Judicial Magistrate, Melur, Madurai District in so far as the petitioners are concerned.

For Petitioners : Mr.V.Kathirvelu, Senior counsel
Assisted by Mr.K.Prabhu

For Respondent : Mr.A.Natarajan, State Public Prosecutor
Assisted by Mr.A.Robinson,
Government Advocate (Crl.side)

ORDER

This Criminal Original Petition has been filed for quashing the proceedings in C.C.No.46 of 2015 on the file of the learned Judicial Magistrate, Melur, Madurai. It is a private complaint instituted by the respondent herein against as many as 10 accused for the offences under Section 22 of Mines and Minerals (Development and Regulation) Act, 1957. The petitioners are figuring as Accused Nos.6 to 10.

2.Heard the learned Senior Counsel appearing for the petitioners and the learned State Public Prosecutor for the respondent assisted by Mr.A.Robinson, learned Government Advocate.



3.The learned Senior Counsel appearing for the petitioner straightaway states that he will not press this Criminal Original Petition as regards petitioners 1,3 and 5. They would face trial and establish their innocence before the Court below.

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4.This Court makes it clear that this Court has not gone into the merits of the matter as far as the petitioners 1,3 and 5 are concerned.

5.The learned Senior Counsel appearing for the petitioners would submit that even according to the prosecution, the cause of action arose in the year 2010. But then, it is contended that the petitioners 2 and 4 had resigned from the company even much earlier. According to him, the second petitioner resigned on 06.04.2006 and the resignation was accepted immediately. Thereafter, it was sent to the Registrar of companies and taken on record on 12.04.2006.

6.This submission is placed on record. In fact, the learned Senior Counsel passed on relevant records for the perusal of this Court as well as that of the learned State Public Prosecutor. Likewise, the fourth petitioner submitted his resignation on 14.03.2009. It was accepted immediately and sent to the Registrar of Companies on the same day and the Registrar of Companies received it on 23.03.2009.

7.The categorical assertion of the learned Senior Counsel appearing for the petitioners is that the petitioners 2 and 4 were not Directors of the company on the date when the cause of action had arisen.

8.In this view of the matter, I am of the view that the prosecution is absolutely unwarranted. Therefore even while dismissing this Criminal Original Petition as regards the petitioners 1, 3 and 5, the same stands allowed as regards petitioners 2 and 4. The impugned proceedings in C.C.No.46 of 2015 on the file of the learned Judicial Magistrate, Melur, Madurai, stands quashed as far as the petitioners 2 and 4 are concerned.

9.Accordingly, this Criminal Original Petition is partly allowed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



To

1. The District Collector,
Madurai District, Madurai.

2. The Judicial Magistrate, Melur, Madurai District.

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

+1 CC to M/s.K.PRABHU, Advocate (SR-9075[F] dated 28/02/2020)

Cr1.O.P. (MD) No. 6200 of 2015

and

M.P. (MD) No. 1 of 2015 and

Cr1.M.P. (MD) Nos. 7088 of 2016

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