



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.01.2020

CORAM

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Crl.O.P(MD)No.7702 of 2017

and

Crl.M.P(MD)No.5247 and 5248 of 2017

1.Kamaraj
2.Kamaprema
3.Ravi Ganesh

... Petitioners/Accused Nos.8,9 & 10

Vs

1.State represented by
The Deputy Superintendent of Police,
Economic Offence Wing - II,
Madurai.

... 1st Respondent/ Complainant

2.V.S.Jeyakumar

... 2nd Respondent /de facto Complainant

Prayer: Petition filed under Section 482 of the Criminal Procedure Code, to call for the records relating to the impugned charge sheet laid in C.C.No. 11 of 2015 on the file of the learned Special Judge for TNPID Act Cases, Madurai and quash the same insofar as petitioners/accused Nos.8 to 10 are concerned.

For Petitioners: Mr.K.Gokul

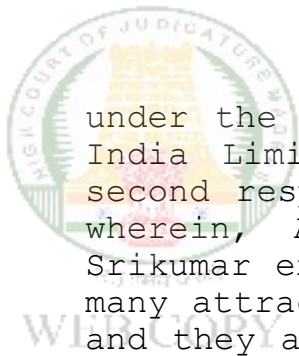
For Respondent : Mr.R.Anandharaj
No.1 Additional Public Prosecutor

For Respondent : Mr.J.Sulthan Basha
No.2

ORDER

This petition has been filed by the accused Nos.8,9 and 10 in C.C.No.11 of 2015 on the file of the learned Special Judge for TNPID Act Cases, Madurai to quash the proceedings in C.C.No.11 of 2015.

2.The second respondent/ defacto complainant has lodged a complaint before the first respondent Police against these petitioners along with 12 others that A1 to A3 running a company



under the name and style as Madurai Rural Development Benefit Fund India Limited, which is registered under the Companies Act. The second respondent along with his wife went to the accused company, wherein, A5 namely Suresh Batcha along with Ramarathinam and Srikumar explained the schemes available with them and there are so many attractive schemes with the return of highest rate of interest and they are also having twenty branches all over the state and it is under the control of SEBI and RBI. Believing their words, the second respondent deposited a sum of Rs.25,000/- and receipts were issued to that effect. Subsequently, the second respondent deposited money to the tune of Rs.22,75,000/-, on various dates in his wife and daughter's name and printed bonds were also issued to him. Thereafter, the second respondent got back a part of the amount deposited, but, later on, he did not get the amount as stated by the accused. When they approached the Regional Office of the accused at Kalavasal Madurai, there was no proper response and later on they came to know that they were cheated. Therefore, the second respondent has filed a complaint on 17.10.2014.

2. Based on the same a case in Crime No.4 for the offence under Sections 406, 420, 120(B) of IPC and under Section 5 of TNPID (F&E) Act, 1997 was registered and after investigation, the respondent Police filed a final report for the offence under Section 5 of Tamil Nadu Protection of Interest of Depositors (Financial Establishment) Act, 1997 and under Sections 406, 420 r/w 120(b) IPC before the learned Special Judge for TNPID Act Cases, Madurai and as against the same the petitioners have filed this criminal original petition.

3. This criminal original petition has been filed on the following grounds:

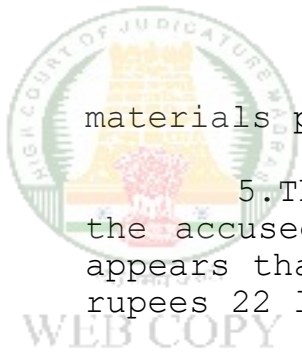
3.1. The averments made in the complaint show that no offence would be attracted against the petitioner and the main ingredients of the penal offences are absent.

3.2. A false complaint has been filed against the petitioners and no summon was issued and the first respondent Police registered an FIR, which is against the provision of criminal law.

3.3. The petitioners were appointed to the post of Director on 15.07.2009 and on 20.04.2011 the petitioners gave a resignation letter to the Board of Directors of the company and the same was also accepted and they were relieved from the Board of Directors with effect from 05.05.2011, whereas the charges relate to the period from 09.09.2013 to 17.10.2014.

3.4. The petitioners have also obtained anticipatory bail on 29.09.2016 in Crl.O.P(MD)No.16798 of 2016 in this case.

<https://hcservices.ecourts.gov.in/> 4. The learned Counsel on either side and perused the



materials placed on record.

5.This is a case where 5,595 depositors have been cheated by the accused company to the tune of rupees 106 crores. However, it appears that the petitioners shown some indulgence to repay a sum of rupees 22 lakh to 67 depositors.

6.The grounds raised by the petitioners are not sufficient to quash the complaint pending against them. However, the learned Counsel for the petitioners sought indulgence of this Court to permit them to raise all these grounds before the trial Court.

7.In the light of the above, this criminal original petition is dismissed with a liberty to the petitioners to raise all the grounds raised herein, before the trial Court and consequently, connected miscellaneous petitions are closed. The trial Court is directed to expedite the trial and complete it as expeditiously as possible.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

dsk

To

1.The Special Judge for TNPID Act Cases, Madurai.

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

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

+1 CC to M/s.K.GOKUL, Advocate (SR-1889[F] dated 13/01/2020)

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-1772[F] dated 13/01/2020)

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JMN(04.02.2020) 3P : 6C