

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.03.2021

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P No.4437 of 2021
and Crl.M.P Nos.2832 & 2834 of 2021

1. Shri Sabari Andavar Emu Farm
T.Eswara Moorthy
Site 35 to 37
Thangam Nagar, Nachiyar Puram,
Kangayam Main Road,
Tirupur.
2. T.Eswaramoorthy ... Petitioners/Accused 1& 2
Vs.
1. State Represented by
Inspector of Police,
Economic Offences Wing II Unit,
Coimbatore. : 1st Respondent/Complainant
2. G.Sakthivel : 2nd Respondent/Defacto Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records relating to the CC No.18 of 2014 on the file of the Special Court constituted under TNPID ACT (Coimbatore) in Crime No.29 of 2012 on the file of the 1st respondent police and to quash the same.

For Petitioners : Mr.S.Varun Ganesh Samiyappa
For Respondents : Mr.Mohammed Riyaz
Additional Public Prosecutor
for 1st respondent

ORDER

This petition has been filed challenging the proceedings initiated by the respondent against the petitioners under Sections 406 and 420 IPC r/w Section 5 of TNPID Act, 1997.

2. The grounds raised by the counsel for the petitioners are all factual in nature and it requires appreciation of evidence and this Court cannot decide the same in exercise of its jurisdiction under Section 482 of Criminal Procedure Code. It

is left open to the petitioner to raise all the grounds before the Court below and the same shall be considered on its own merits and in accordance with law. This Court is not inclined to interfere with the proceedings pending before the Court below.

3. Accordingly, this Criminal Original Petition is dismissed with a direction to the Court below to complete the proceedings in CC No.18 of 2014 on the file of the Special Court constituted under TNPID ACT (Coimbatore), within a period of three months from the date of receipt of a copy of this order. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

ssr

To

1. The Special Court constituted under TNPID ACT Coimbatore.
2. The Inspector of Police, Economic Offences Wing II Unit, Coimbatore.
3. The Public Prosecutor, High Court, Madras.

+lcc to Mr.Ilayaraja Kandasamy, Advocate, S.R.No.17238.

सत्यमेव जयते

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SKY (CO)
CSR 09.04.2021

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