



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.10.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.NO.18279 OF 2021

G.Muthukumaran

... Petitioner

Versus

1. The State Rep. by
The Inspector of Police,
Villupuram EOW Police Station,
Villupuram District.

2. S.Zeenath

... Respondents

PRAYER:-

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records and quash the FIR in Crime No.1 of 2020 dated 08-01-2020 against the petitioner on the file of the 1st Respondent Police.

For Petitioner : Mr.K.Narayanan

For Respondent : Mr.A.Damodharan
Additional Public Prosecutor
For R1

ORDER

The petitioner, who is arrayed as A4 in Crime No. 1 of 2020 for the offences under Section 5 of TNPID Act and Sections 420, 406, 120-B I.P.C, had filed this quash petition.

2. The contention of the petitioner is that the A1 and A2 in this case are HGS Dairies and Agro Private Limited and HGS Dairies and Agro Limited. The petitioner was a Director of the aforesaid company at the time of inception on 12.08.2010 with DIN No - 02976027 and within 3 months, he resigned from the company by submitting FORM 32 and the same was also recorded in R.O.C on 05.11.2010. The petitioner had resigned since he had



developed some misunderstanding with one Sivakumar/A3, who was carrying on the business. After 2010, the petitioner has nothing to do with them. Later, nearly after 10 years of his resignation, this complaint has been received and he has been falsely implicated in this case.

3. The learned counsel for the petitioner submitted that he has not met any depositors and not collected any deposit amount. Further he has not signed in any documents.

4. On the contrary, the learned Additional Public Prosecutor submitted that so far 95 victims had lodged complaints and given statements and the amount so far cheated is found to be around Rs.28 lakhs. Around 300 complaints are still pending, which has to be examined, and in a rough estimate, the amount cheated would be more than Rs.2 crores. He further submitted that all the witnesses have clearly spoken about the petitioner's role, his presence in office, canvassing the depositors and promises made about the huge returns being made by A1 and A2. Now, the petitioner, in a deceitful manner, had created a document as though he was appointed as a temporary director and later resigned. But on the contrary, he was actively involved in the business of A1 and A2 and he along with A3 had canvassed the depositors. At this stage, there are enough materials against the petitioner and the investigation is in progress. He further submitted that A3 and A4 in this case are absconding and not available in the address.

5. This Court considered the submissions made on either side and perused the materials available on records carefully.

6. Finding that several depositors have been cheated in this case, it is too early to decide the role of the petitioner and as on date there is some materials as against the petitioner.

7. In view of the same, the above Criminal Original Petition is dismissed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

mrp/mdl



To

1. The Inspector of Police,
Villupuram EOW Police Station,
Villupuram District.

2. The Public Prosecutor,
High Court, Madras.

CRL.O.P.NO.18279 OF 2021

PCH(CO)
PBS/06/12/2021