

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.03.2021

Coram

The Hon'ble Mr. Justice P.N.PRAKASH  
and

The Hon'ble Mr. Justice V.SIVAGNANAM

Crl. O.P. No. 2763 of 2017

and Crl.M.P.Nos.1959 and 1960 of 2017

T.D.Tataji

.. Petitioner/A3

Vs

State Rep. by  
Deputy Director,  
Director of Enforcement,  
Government of India,  
Ministry of Finance,  
Department of Revenue,  
2nd and 3rd Floor, Murugesan Naicker Complex,  
No.84, Greams Road,  
Thousand Lights,  
Chennai - 600 006. ... Respondent/Complainant

Petition filed against to call for the entire records pending in C.C.No.31 of 2015 from the learned Principal Sessions Judge, Chennai (Special Court), hear the counsel for the petitioner/A3 and quash the complaint filed by the respondent against the petitioner in C.C.No.31 of 2015 pending on the file of the Principal Sessions Judge (Special Court constituted u/s 43(1) of the PMLA, 2002), Chennai.

For Petitioner : Mr.A.Saravanan  
For Respondent : Mrs.G.Hema, Spl.PP (E.D.,)

ORDER

[Order of the Court was made by V.SIVAGNANAM, J.]

Seeking to quash the complaint filed by the respondent against the petitioner in C.C.No.31 of 2015 pending on the file of the Principal Sessions Judge (Special Court constituted u/s 43(1) of the PMLA, 2002), Chennai, the present Criminal Original Petition has been filed.

2.It is the case of the prosecution that one T.D.Naidu had obtained huge loans from Andhra Bank and had diverted the loan for the purpose other than for which it was granted. Thereafter, the loans became an NPA. On the complaint given by the Andhra

Bank, CBI registered an FIR in Crime No.3E/2012 dated 20.03.2012 for the offence under Sections 120B r/w 420, 468, 471 IPC and Section 13 (2) r/w 13(1)(d) of the Prevention of Corruption Act, 1988. Apart from the CBI, the local police seems to have registered several FIRs against T.D.Naidu. Since the FIRs registered against Naidu disclosed the commission of "schedule offence" under Prevention of Money Laundering Act, the Enforcement Directorate registered a case in ECIR No.13 of 2013 and after completing the investigation, has filed a complaint in C.C.No.31 of 2015 against Naidu and five others including the petitioner herein, who is the son of T.D.Naidu, for quashing which, the petitioner is before this Court under Section 482 Cr.P.C.

3.Heard Mr.A.Saravanan, learned counsel for the petitioner and Ms.G.Hema, learned Special Public Prosecutor for the respondent.

4.Mr.A.Saravanan, learned counsel for the petitioner contended that the petitioner was a minor, when the properties were purchased with the alleged proceeds of crime, in his name and that he was not actively involved in the affairs of his father's business.

5.Per contra, Ms.G.Hema, learned Special Public Prosecutor, drew the notice of this Court that some movable properties like an Audi Car, Benz Car etc., were purchased in the name of the petitioner after he had attained the age of majority.

6.In the opinion of this Court, the date of birth given by the petitioner is a question of fact, which cannot be decided in a petition under Section 482 Cr.P.C. and the same has to be decided only by the trial Court during trial. If it is found that with the proceeds of crime, the properties were purchased in the name of the petitioner whilst he was a minor, then it would be a good case for the petitioner before the trial Court.

7.With the above observation, this criminal original petition stands closed with liberty to the petitioner to raise all the points before the trial Court. The trial Court shall proceed with the trial without being influenced by what is stated above. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS IX)

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Sub Assistant Registrar

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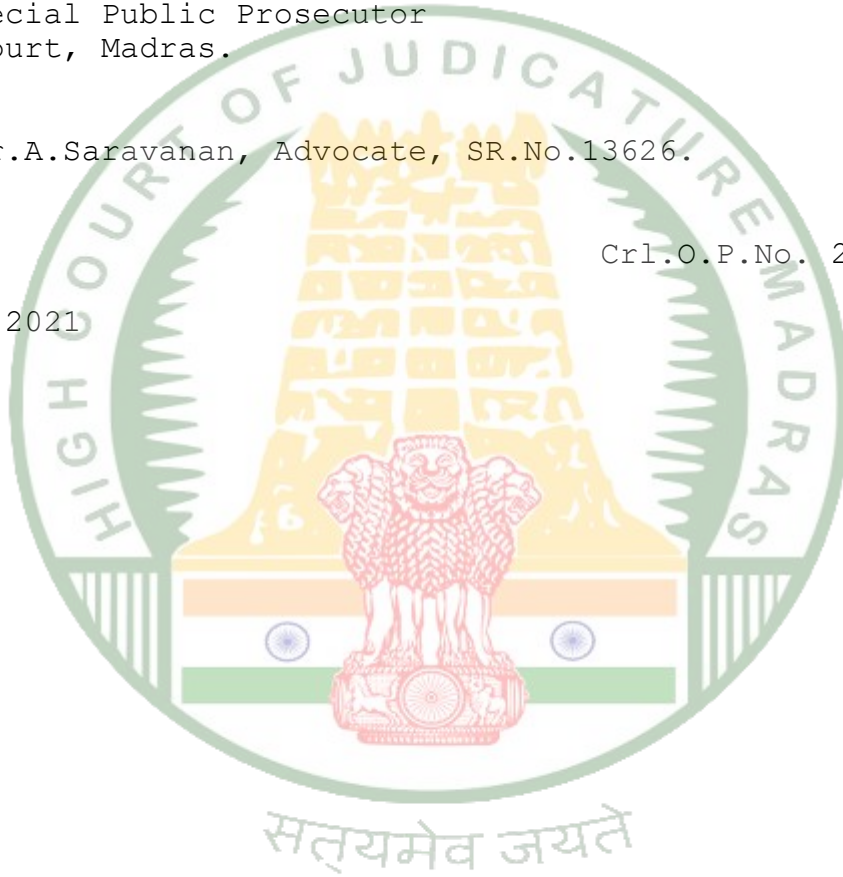
To

1. The Principal Sessions Judge (Special Court for PMLA,  
Chennai
2. The Deputy Director,  
Director of Enforcement, Government of India,  
Ministry of Finance, Department of Revenue,  
2nd and 3rd Floor, Murugesan Naicker Complex,  
No.84, Greams Road, Thousand Lights,  
Chennai - 600 006.
3. The Special Public Prosecutor  
High Court, Madras.

+1cc to Mr.A.Saravanan, Advocate, SR.No.13626.

Crl.O.P.No. 2763 of 2017

KJ(CO)  
CSR 23.03.2021



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