



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 01.09.2021

CORAM:

THE HON'BLE MR JUSTICE G.ILANGO VAN

Crl.O.P.(MD)No.11988 of 2021
and
Crl.MP(MD)No.6122 of 2021

1.P.Meena pathy
2.P.Pragas pathy

... Petitioners/Accused No. 2 & 3

Vs.

1.The State Rep by
The Deputy Superintendent of Police,
Economic Offences Wing II,
Dindigul, Dindigul District.

2.The Competent Authority/The District Revenue Officer,
Dindigul,
Dindigul District.

... Respondents 1 & 2/Complainants

3.M.Jeyalakshmi
4.E.Anthonysamy
5.V.Durai Raj
6.D.Eswari
7.P.Arumugam
8.R.Murugesan
9.S.Ramu Pillai
10.K.Mariappa Gounder
11.M.Shanmuga Sundaram
12.B.Captain Lakshmi
13.S.Mahadevan
14.S.Sakkaraiya Pillai
15.S.Muthuchamy
16.R.Ranimuthu Mangai
17.C.Murugeshwari
18.Selvan @ M.Selvaraj

... Respondents 3 to 18/Depositors

Prayer:

Criminal Original Petition is filed under Section 482 Cr.P.C., to issue a direction to the 2nd Respondent herein, to invoke Section 5 of the Tamil Nadu Protection of Interests of Depositors (In Financial Establishments) Act, 1997, and permit us to deposit the remaining defaulted deposit amount payable to the respondents 3 to 18/Depositors as per the charge sheet filed in C.C.No.5 of 2008, pending on the file of the learned Special Judge under TANPID Act



Cases, Madurai to compound the offence against us and other accused.

For Petitioners : Mr.S.Prabakaran Senior Advocate for
Mr.B.Brijesh Kishore
For R1 & R2 : Mr.R.M.Anbu Nithi,
Additional Public Prosecutor.

WEB COPY

ORDER

This Criminal Original Petition is filed to issue a direction to the 2nd Respondent herein, to invoke Section 5 of the Tamil Nadu Protection of Interests of Depositors (In Financial Establishments) Act, 1997, and permit the petitioners to deposit the remaining defaulted deposit amount payable to the respondents 3 to 18/Depositors as per the charge sheet filed in C.C.No.5 of 2008, pending on the file of the learned Special Judge under TANPID Act Cases, Madurai to compound the offence against the petitioners and other accused.

2.The short point that has been raised in this petition by the learned counsel for the petitioner to the effect that the second respondent may be directed to invoke Section 5 (A) of Tamil Nadu Protection of Interests of Depositors (In Financial Establishment) Act, 1997, and permit the petitioners to compound the offence. For the purpose of ascertaining whether such a petition has been filed by the petitioner before the Special Court under TNPID Act Cases, Madurai.

3.By the order, dated 23.08.2021, a report has been called for from the the Special Court under TNPID Act Cases, Madurai, and as per order of this Court, a communication letter, dated 27.08.2021, stating that no such petition has been filed by the petitioners. It has been further stated that in Crl.OP(MD)No.16170 of 2012, a direction was issued to dispose of the case within a period of six months from the date of receipt of a copy of the order and later, a letter was also submitted by the concerned Court, seeking extension of time. Based upon that, six months time was granted, by order, dated 10.08.2017. After that, 150 witnesses have been examined. Now, the case is pending for examination of Investigating Officers on 21.09.2021. It appears that it is a very old matter. In spite of a specific direction issued by this Court twice, still it is pending.

4.The learned Senior counsel for the petitioner would submit that the connected case in C.C.No.6 of 2008 has been compounded on the basis of the compromise, reached between the parties. Similarly, in C.C.No.5 of 2008 also the matter has been compromised. So, the learned Senior counsel for the petitioners would submit that this matter also can be compounded and they are ready to settle the amount to the depositors.



5. But, however, the learned Additional Public Prosecutor would submit that repeatedly, the petitioner is involved in seeking adjournments stating one or other points.

6. Considering the facts and circumstances of the case, I am of the considered view that when the petitioners are ready to settle the amount to the depositors, compounding the offence is desirable.

7. From the report, it is seen that so far, no such petition is filed by the petitioners. So, a direction is issued to the petitioners to make a proper petition before the Special Court under TNPID Act Cases, Madurai, within a week from the date of receipt of a copy of this order. If such a petition is filed under proper provision of law, the Special Court under TNPID Act Cases, Madurai, shall consider the same on merits and pass orders in accordance with law.

8. With these directions, this Criminal Original Petition stands disposed of. Till then, the examination of the Investigating Officer may be dispensed with. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS I)

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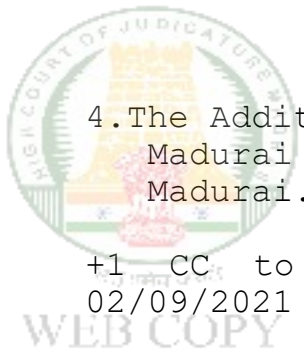
/ /2021

Sub Assistant Registrar (CS)

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Special Judge under TANPID Act Cases,
Madurai.
2. The Deputy Superintendent of Police,
Economic Offences Wing II,
Dindigul, Dindigul District.
3. The Competent Authority/District Revenue Officer,
Dindigul,
Dindigul District.



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

+1 CC to M/s.B.BRIJESH KISHORE, Advocate (SR-27964[F] dated
02/09/2021)

Crl.O.P. (MD)No.11988 of 2021

and

Crl.MP (MD)No.6122 of 2021

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RS (16.09.2021) 4P 6C