



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.12.2021

CORAM:

THE HON'BLE MRS.JUSTICE R.THARANI

CRL.A.Nos.503 to 505 of 2021

Crl.A.(MD)No.503 of 2021

1.P.Pushpam
2.R.Ravi

... Appellants/Petitioners/
Accused Nos.1 & 3

Vs.

1.The Competent Authority,
District Revenue Officer,
Karur.

2.The Deputy Superintendent of Police,
E.O.W-II Karur,
(Crime No.4/08)

... Respondents/Respondents
complainant

Crl.A(MD)No.504 of 2021

1.P.Manimaran
2.R.Ravi
3.A.Pushpam
4.S.Ranjitham
5.M.Sekar

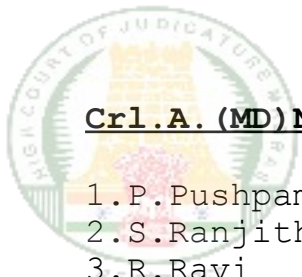
... Appellants/Petitioners/
Accused Nos.1 to 6

Vs.

1.The Competent Authority,
District Revenue Officer,
Karur.

2.The Deputy Superintendent of Police,
E.O.W-II Karur,
(Crime No.4/08)

... Respondents/Respondents
complainants



Crl.A. (MD) No.505 of 2021

1.P.Pushpam
2.S.Ranjitham
3.R.Ravi

... Appellants/Petitioners/
Accused Nos.2,4&6

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Vs.

1.The Competent Authority,
District Revenue Officer,
Karur.

2.The Deputy Superintendent of Police,
E.O.W-II Karur,
(Crime No.4/08)

... Respondents/Respondents
complainants

COMMON PRAYER: Criminal Appeals filed under Section 11 of TANPID Act, to call for the records relating to the impugned order dated 02.02.2021 made in Crl.M.P.Nos.1767, 1766 and 1769 of 2020 in C.C.Nos.11, 12 and 17 of 2010 on the file of the Special Court under TNPID Act, Cases, Madurai, insofar as imposing condition of interest and set aside the same and allow these Criminal Appeals.

For Appellants in
all cases : Mr.R.Murali

For Respondents : Mr.R.M.Anbunithi
in all cases Additional Public Prosecutor

COMMON JUDGMENT

These Criminal Appeals have been filed to set aside the impugned order dated 02.02.2021 made in Crl.M.P.Nos.1767, 1766 and 1769 of 2020 in C.C.Nos.11, 12 and 17 of 2010, on the file of the Special Court under TNPID Act, Cases, Madurai,

2.The case against the appellants is that they have cheated the depositors to the tune of Rs.1,21,75,500/-. On the side of the appellants, it is stated that the appellants have come forward to settle the amount through the Competent Authority. Therefore, the appellants had filed petitions under Section 5(A) of TNPID Act, before the trial Court in Crl.M.P.Nos.1767, 1766 and 1769 of 2020 in C.C.Nos.11, 12 and 17 of 2010 seeking to compound the offence and that petitions were allowed by the trial Court and has directed the Competent Authority to compound the case on payment of the deposit amount to all the depositors with interest fixed by the Competent Authority. Against which, the appellants are before this Court.

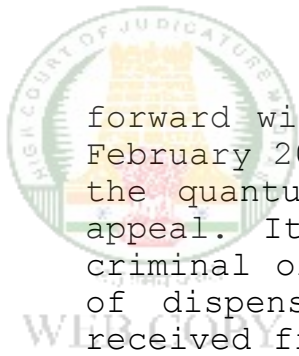


3.On the side of the appellants, it is stated that the appellants are the Directors in the Chit Funds Company and the Active Director, who look after the business, had committed suicide. The properties of the appellants were attached and even prior to the filing of charge sheet, the appellants settled a considerable amount to the depositors to the tune of Rs.30,64,000/- and a sum of Rs.91,11,500/- is the balance to be paid. Further, out of 7 cases, one case in C.C.No.19 of 2010 was referred for compromise and the claims of 25 depositors was fully settled on 13.05.2019. Similarly, on follow up, a sum of Rs.28,28,000/- and another sum of Rs.25,12,000/- and yet another sum of Rs.16,32,000/- were settled to the depositors and a sum of Rs.33,93,000/- was deposited by way of four demand drafts to the credit of the cases, as advised by the Court and only a sum of Rs.9,70,000/- is to be settled.

4.There are 7 different cases registered against the appellants. The appellants have filed petitions under Section 5 (A) of TNPID Act, which provides the privilege of settling the matter in the presence of the Competent Authority and the provision left the competent authority with a discretion to decide the quantum and derivation of payments with or without interest. It is for the parties to decide the payment regarding interest, but the learned Judge while permitting the petitions had directed to settle the amount with interest. Further, the office of the appellants was already closed down and the premises was sealed. The purpose of Section 5(A) of TNPID Act, is to provide an atmosphere to enable the parties to settle and satisfy themselves by compounding the cases. The complaint itself was pertaining to the amount in deposit and not in respect of interest claim, under the said circumstances, to settle the deposits with or without interest is prescribed under Section 5(A) of the Act and hence, he prays for suitable modification in the impugned order.

5.On the side of the prosecution, it is stated that 7 cases were filed against the appellants. The appellants have come forward with the petitions under Section 5(A) of the Act, for compounding the offence. The appellants have filed Criminal Original Petitions in Crl.O.P(MD)Nos.4305, 4307 and 4309 of 2021 before this Court, on 18.11.2021 and this Court dispensed with the personal appearance of the appellants. The appellants are in the habit of filing various petitions one after another. Prior to 2010, the appellants had filed petitions before the trial Court and the same was taken on file as C.C.Nos. 11, 12 and 17 of 2010, only after 11 years, the appellants had filed these petitions to permit them to settle the amount without interest, which is not reasonable only after considering the delay, the trial Court has imposed the condition to settle the amount with interest, at the same time, the rate of interest was left to the discretion of the Competent Authority.

6.It is seen that the deposits were made prior to 2010, the
<https://hcservices.evars.gov.in/hcservices> file in the year 2010 and the appellants have come



forward with these petitions under Section 5(A) of the Act, during February 2021, instead of allowing the competent authority to settle the quantum of interest, the appellants have chosen to file this appeal. It is seen that the appellants have already filed three criminal original petitions before this Court and they got an order of dispensing with their personal appearance, till a report is received from the Competent Authority. Only to drag on the case, the appellants have come forward with these appeals. If the depositors are really interested in settlement, they have to settle the same with interest to be fixed by the competent authority. Considering the delay in filing the petition under Section 5 of TNPID Act, it is decided that the payment of interest to the depositors is necessary.

7. There is nothing sufficient enough to interfere with the orders of the trial Court and hence, these Criminal Appeals are dismissed.

Sd/-

Assistant Registrar (CS-II)

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/ /2022

Sub Assistant Registrar (CS)

To

1. The Special Judge under TNPID Act Cases,
Madurai.
2. The Competent Authority,
District Revenue Officer,
Karur.
3. The Deputy Superintendent of Police,
E.O.W-II Karur.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

**CRL.A.Nos.503 to 505 of 2021
08.12.2021**

RS (01.02.2022) 4P-5C