

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.06.2022

CORAM

THE HONOURABLE MR. JUSTICE RMT.TEEKAA RAMAN

Crl.OP.Nos.1660, 1663, 1664, 1666, 1668
and 1691 to 1694 of 2016

and

Crl.MP.Nos.793, 798, 800, 802, 804, 811, 813, 815
and 817 of 2016

1. M/s.Jagadamba Benefit Fund Ltd.,
No.18, Chitrakulam West Street,
Mylapore, Chennai.
2. Nagabhushanam,
1A, South Prakaram Street,
Kaladipet, Thiruvottriyur,
Chennai - 19.
3. Mamidi Ramachandran
145, Kutchery Road,
Mylapore, Chennai 4.

...Petitioners/Accused 1,2 &4 (in all)

Vs.

The Deputy Registrar of Companies, Tamil Nadu,
Having Office at Shastri Bhavan,
26, Haddows Road, Chennai 600 006.

...Respondent/Complainant

Prayer:Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records in E.O.C.C.No.228 of 2015, 234/2015, 227/2015, 232/2015, 233/2015, 231/2015, 230/2015, 229/2015 and 225/2015 respectively pending on the file of Additional Chief Metropolitan Magistrate EO-I, Egmore, Chennai and quash the same in so far as the Petitioners are concerned.

For Petitioners : No appearance
(in all cases)

For Respondent : No appearance
(in all cases)

C O M M O N O R D E R

These Petitions have been filed to call for the records in E.O.C.C.No.228, 254, 227, 232, 233, 231, 230, 229 and 225 of 2015 pending on the file of Additional Chief Metropolitan Magistrate EO-I, Egmore, Chennai and quash the same in so far as the Petitioners are concerned.

2.The case of the Petitioners is that the first Petitioner is a Company incorporated during the year 1994 as a "M/s.Jagadamaba Benefit Fund". They have received a show cause notice dated 09.09.2014 alleging that they failed to lay financial statements for the financial year 31.03.2012 in the AGM held under Section 129(2) read with Section 129(7) of Companies Act 2013. In the show cause notice dated 09.09.2014, it was mentioned that they do not filed the Annual Returns, Financial statements, including consolidated financial statements within 60 and 30 days after the said documents were laid (or) ought to have been laid before the said general meeting in terms of Section 129 (2) read with Section 129 (7) of Companies Act 2013. They have given suitable reply dated 18.09.2014. In spite of the reply, without considering the same and non-application of mind, the respondent filed the complaint against the Petitioners.

3.The main grievance of the Petitioners is that the company is not liable to file financial statement for the respective financial years in the AGM held under Section 129(2) read with Section 129(7) of Companies Act 2013.

4.It is brought to my notice that in the order passed in Crl.OP.No.1176 of 2016, dated 30.07.2021, it is observed as follows:

"It can be found that the 4th accused has given a reply to the show cause notice expressing his inability to comply with the statutory duties and to consider him Ex-director and further, there is no proof has been produced before this Court with regard to his resignation. It can be seen that on behalf of the Company and other Directors are concerned, no reply has been given and even steps was also not been taken by them to file the Annual Returns, Financial Statement, Consolidated financial statements for the year 2009 to 2013. Taking into consideration the entire facts and circumstances of this case, this Court is not inclined to quash the proceedings at this stage and the Petitioners are at liberty to raise all grounds before the Court below and work out their remedy."

5.In the light of the above order, these Criminal Original Petitions are also dismissed on the same lines. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

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To

The Additional Chief Metropolitan Magistrate EO-I,
Egmore, Chennai.

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RGN(CO)
RGA(12/07/2022)