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Crl.OP.Nos.2204 of 2016 & batch

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.06.2022

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THE HONOURABLE MR. JUSTICE RMT.TEEKAA RAMAN

Crl.OP.Nos.2204 to 2213 of 2016

and

Crl.MP.Nos.1174 to 1193 of 2016

Crl.OP.No.2204 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,
Mylarpore, Chennai 4.

... Petitioners

Vs.

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

... Respondent

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., to call
for the records in E.O.C.C.No.235 of 2015 pending on the file of Additional



Cr1.OP.Nos.2204 of 2016 & batch

Chief Metropolitan Magistrate EO-I, Egmore, Chennai and quash the same in so far as the Petitioners are concerned.

For Petitioners : Mr.G.V.Mohankumar
(in all the cases)

For Respondent : Mr.Avinash Krishnan Ravi
(in all the cases)

COMMON ORDER

These Petitions have been filed to call for the records in E.O.C.C.No.235, 240, 236, 237, 238, 239, 241, 242, 243 & 244 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 31.03.2009 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 no filed the



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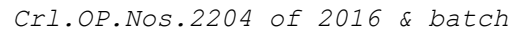
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Annual Returns, Financial statements, including consolidated financial statements within 60 and 30 days after the said documents were laid (or) ought to have been laid before the said general meeting in terms of Section 129 (2) read with Section 129 (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 than on behalf of the Company and other Directors are concerned, no reply has been



21.06.2022

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



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RMT.TEEKAA RAMAN.J,

sai

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Dated:21.06.2022