



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2022

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.NO.23743 OF 2021

&

CRL.M.P.NOS.13075 & 13076 OF 2021

A.K.Mylsamy

...Petitioner / Accused-4

Versus

1.State rep by
The Inspector of Police,
EOW, Coimbatore.

2.Raji ...Respondents / Complainant /
Defacto Complainant

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, 1973 to call for records in C.C.No.21 of 2021 pending trial on the file of Spl Sessions for TNPID Act, Coimbatore, quash the same.

For Petitioner : Mr.K.P.Anantha Krishna

For Respondents : Mr.E.Raj Thilak,
Additional Public Prosecutor
For R1.

O R D E R

The petitioner who is arrayed as A4 in C.C.No.21 of 2021 facing trial for the offence under Sections 409 and 420 of IPC filed this Quash Application.

2. The gist of the case is that one Raji/defacto complainant lodged a complaint to the Inspector of Police, Economic Offences Wing-II, Coimbatore against GTV Spinners Ltd., Coimbatore and its Directors stating that A9 Vidhyasagar A3 V.Sathyanathan and A12 Padmavathi are the accused canvassed with the complainant for depositing in their Financial establishment and promised to give higher rate of interest up to 14 & 15%. The defacto complainant believing the promise of these accused, deposited a sum of Rs.50,000/- in his name and in the name of his wife. The deposits were collected in the name of A1 to A12.



The deposits were collected and issued deposit receipt dated 28.02.1996 & 24.07.1996 for the said deposit amount paid assured interest up to the year 2013 received. Thereafter the defacto complainant demanded his deposit amount with interest and the accused defaulted to repay the deposit with interest.

3. As regards this petitioner is concerned, he is a Non Executive Honorary Director. He is only a nominee Director. He further submitted that he is a Senior Counsel leading practitioner in Company Law to avail the benefit of his experience and knowledge he was made as a nominee Director. He resigned from the Company Directorship in the year 2001, which fact intimated to the Registrar of Companies and Form 32 filed. The respondent Police ought not to have included the petitioner's name in the final Report, for obvious reasons his name included, petitioner's designation and position is an admitted fact.

4. The Additional Public Prosecutor filed his counter. In the counter he had narrated about the registration of the case, stage of the investigation and the role played by each of the accused. As regards petitioner/A4, there is no specific allegation made against him and no overt act is attributable. He further submitted that in this case trial is at the penultimate stage and now the Investigating Officer is in the witness box, substantial portion of the trial completed, it would be appropriate for the trial to come to its logical end. If the petitioner has not involved in the day to day functioning and looking after the affairs of company further if found he is only a Nominee Director, the trial Court shall consider the same while delivering the judgment.

5. As the case is at the I.O. stage, this Court is not inclined to entertain this petition as it would amount to short circuiting the trial process. The petitioner to raise all the points raised herein before the Trial Court, who shall consider the same. The petitioner stature standing is well known.

6. In view of the same, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS-II)

// True Copy //

Sub Assistant Registrar

dpq/mdl



To

1. The Sessions Judge,
Special Sessions for TNPID Act Court,
Coimbatore.

2. (do through) The Principal Sessions Judge,
Coimbatore.

3. The Inspector of Police,
EOW, Coimbatore.

4. The Public Prosecutor,
High Court, Madras.

CRL.O.P.No.23743 of 2021

&
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CP(CO)
RVM(25/02/2022)