



Crl.O.P.No.17192 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.07.2023

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.O.P.No.17192 of 2021

and

Crl.O.P.No.9424 of 2021

1.Sandhya Poultry Farms
D.No.16-C. Maveen Complex
Dharapuram Road,
Udumalapet, Tiruppur District.

2.M.Manikandan

3.Stalin

...

/vs/

Petitioners

1.State represented by,
Deputy Superintendent of Police,
Economic Offences Wing – II Unit,
Coimbatore.

2.The Competent Authority,
District Revenue Officer,
Coimbatore.

...

Respondents

PRAYER : Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code to direct the 2nd respondent to exercise under Section 5A of TNPID Act and compound the offences in C.C.No.2 of 2013 on the file of the Special Judge, Special Court under Tamil Nadu Protection of Interest of Depositor Act, Coimbatore, in pursuant to the settlement between company and depositors.



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For Petitioners ... Mr.G.Murugendran
For Respondent ... Mr.L.Baskaran
Govt.Advocate (Crl.side)

ORDER

This criminal original petition has been filed to direct the 2nd respondent to exercise under Section 5A of TNPID Act and compound the offences in C.C.No.2 of 2013 on the file of the Special Judge, Special Court under Tamil Nadu Protection of Interest of Depositor Act, Coimbatore, in pursuant to the settlement between company and depositors.

2.Heard the learned counsel for the petitioners and Section 5A of the TNPID Act runs as follows:

***“(1).An offence punishable under Section 5 may, before the institution of the prosecution, be compounded by the competent authority or after the institution of the prosecution, be compounded by the Competent authority with the permission of the Special Court, on payment of the entire amount due to the depositors with or without interest.*”**



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(2). Where an offence has been compounded under sub-section (1), no proceeding, as the case may be, shall be taken or continued against the offender, in respect of the offence so compounded and the offender, if in custody, shall be discharged forthwith.”

3.In view of the abovesaid provisions, the petitioners may approach the competent authority for compounding the offence. This Court by invoking Section 482 Cr.P.C need not direct the competent authority to compound the offence. Accordingly, the criminal original petition is dismissed with liberty to the petitioners to approach the competent authority. Consequently, connected miscellaneous petition is closed.

Index : Yes/No
Internet : Yes/No
sms

10.07.2023



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To

- 1.State represented by,
Deputy Superintendent of Police,
Economic Offences Wing – II Unit,
Coimbatore.
- 2.The Competent Authority,
District Revenue Officer,
Coimbatore.
- 3.The Special Judge,
Special Court under Tamil Nadu Protection
of Interest of Depositor Act, Coimbatore.
- 4.The Public Prosecutor
High Court, Madras.

V.SIVAGNANAM ,J.



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