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Crl.OP Nos.26662 and 27006 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07-12-2023

CORAM

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

Crl. OP Nos.26662 and 27006 of 2023

And

Crl.MP Nos.18782, 18783, 18558 and 18560 of 2023

T.Ramachandran

... Petitioner/Accused No.1

Vs.

The State Through
The Inspector of Police,
Denkanikottai Police Station,
Krishnagiri District.
(Crime No.261/2012).

... R-1 in Crl.OP 26662/2023

The State Through
The Inspector of Police,
Uthanapalli Police Station,
Krishnagiri District.
(Crime No.166/2012).

... R-1 in Crl.OP 27006/2023

The Deputy Superintendent of Police,
District Crime Branch,
Krishnagiri District,
Krishnagiri.

... R-2 in Crl.OP 26662/2023



Mr.K.K.S.Rajendran,
The Deputy Superintendent of Police,
District Crime Branch,
Krishnagiri District,
Krishnagiri.

... R-2 in Crl.OP 27006/2023

Mr.Umar Kartha

... R-3 in Crl.OP 26662/2023

Mr.Ramasamy

... R-3 in Crl.OP 27006/2023

Crl.OP No.26662 of 2023 has been filed under Section 482 of the Code of Criminal Procedure, to call for the records and quashing the charge sheet in SC No.126 of 2019 on the file of the District and Sessions Court, Krishnagiri as against the petitioner herein.

Crl.OP No.27006 of 2023 has been filed under Section 482 of the Code of Criminal Procedure, to call for the records and quashing the charge sheet in SC No.124 of 2019 on the file of the District and Sessions Court, Krishnagiri as against the petitioner herein.

For Petitioner in both Crl.OPs : Mr.S.Gajapathi Krishnan

For R-1 in both Crl.OPs : Mr.Babu Muthu Meeran,
Additional Public Prosecutor.



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COMMON ORDER

The above Criminal Original Petitions have been filed to quash the criminal complaint ended in filing the Final Report and taken cognizance on the file of the District and Sessions Court, Krishnagiri in SC Nos.126 and 124 of 2019.

2. The short point canvassed by the learned counsel, appearing on behalf of the petitioner, is that the prosecution is against the Company which holds the license to Mines the minerals and the allegation in the complaint is that the Company has mined minerals without paying the seigniorage fees and unable to pay more than 37 crores of rupees. However, the prosecution has failed to consider that the petitioner was not the Director of the Company and the fact that he resigned from the Directorship of the Company as early as on 03.10.2006. Much prior to the alleged period of violation i.e., 2008 to 2012.

3. The learned Additional Public Prosecutor, appearing on



behalf of the first respondent, states that a Company was formed by this petitioner/first accused and his wife along with others in the name of 'M/s.Ramachandra Granite and Constructions Private Limited' on 26.08.2005.

4. Though the petitioner resigned from the Directorship of the abovesaid Company on 03.10.2006, the entire quarry operation was done by him and the prosecution is not against the Company, but it is against the petitioner and others in their individual capacities. Therefore the prosecution as against the petitioner under Section 379 IPC and Section 4 of Tamil Nadu Property (Prevention of Damages and Loss) Act, 1994 and Section 21(1)(4) of Mines and Minerals Act, 1957, is maintainable.

5. The learned counsel appearing on behalf of the petitioner submitted that due to political animosity, seven cases filed against the petitioner/first accused, who was the former MLA and out of which one of the case in SC No.125 of 2019 on the file of the District and Sessions Court, Krishnagiri came to be quashed by this Court in Crl. OP No.34363 of 2019. The copy of the order passed by this Court in the abovesaid Crl. OP was



circulated for perusal.

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6. This Court finds that the said order been came to be passed on the premise that the petitioner been prosecuted in his capacity as the Director of the Company, which is not factually correct. The petitioner is prosecuted in his individual capacity and not as a Director of the Company. In such circumstances, the plea of quashment cannot be sustained. Hence, both the Criminal Original Petitions are dismissed. Consequently, the connected Criminal Miscellaneous Petitions are also dismissed.

07-12-2023

Index : Yes/No
Internet: Yes/No
Speaking order/Non-Speaking order
Neutral Citation : Yes/No
Svn

To

- 1.The District and Sessions Court,
Krishnagiri.
- 2.The Inspector of Police,
Denkanikottai Police Station,
Krishnagiri District.

