



Crl.O.P.(MD)No.3075 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.08.2023

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

Crl.O.P.(MD)No.3075 of 2020
and Crl.M.P.(MD)Nos.1618 & 1619 of 2020

Prakasam Sagaya Pakiasanthi

... Petitioner

Vs.

1.The Inspector of Police,
Economic Offences Wing,
Madurai
Crime No.6/2018

2.M.Chitra Devi

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in C.C.No.2 of 2019 on the file of the learned Judge Special Court for TNPID cases, Madurai and quash the same as against the petitioner concerned.

For Petitioner : Mr.K.Samidurai

For R1 : Mr.M.Sakthi Kumar,
Government Advocate (Crl. Side)

For R2 : Mr.A.Saravana Kumar



WEB COPY



CrI.O.P.(MD)No.3075 of 2020

ORDER

This Criminal Original Petition has been filed to quash the charge sheet in C.C.No.2 of 2019 on the file of the learned Judge Special Court for TNPID cases, Madurai.

2. According to the petitioner, she was arrayed as A8 in the above said C.C.No.2 of 2019. As per the prosecution case, the second respondent had given a complaint before the first respondent police alleging that she had invested totally a sum of Rs.23,000/- with the petitioner's company, namely, Blessing Asset Promoters India Limited on 30.04.2015. The first accused also issued receipt/bond for the same. When she asked the company to repay the matured amount, they have not paid. The second respondent is not the only person cheated by the company and so many persons were cheated by the said company. The allegations as against the petitioner is that she misappropriated a sum of Rs.3,62,46,400/- as promised to the depositors and they have cheated 1040 depositors. The above said company is registered company and it was started in the year 2009. The nature of business of the company is



CrI.O.P.(MD)No.3075 of 2020

doing real estate business. The company is having lands in its name.

The company collected money for selling lands on instalment basis from the customers. The period of payment is five years. The petitioner is arrayed as A8 in FIR, A1 to A4 are companies. A5 is the husband of the petitioner. A6 and A7 are Directors of the company. Insofar as A1 company is concerned, at the time of incorporation on 02.01.2009, the petitioner was appointed as Director of the company. Thereafter, she resigned the said post on 19.02.2010. Again on 06.04.2013, she was appointed as Director in A1 company and resigned on 04.10.2014. The petitioner is working as Teacher in a private School. For short duration only she was appointed as Director of A1 company. She was appointed as one of the Directors without any role of the company and she did not have any control over the day to day affairs of the company. The defacto complainant deposited money on 30.04.2015. The period of deposit is 60 months and it would get matured only on 30.04.2020. But the complaint was given prior to the date of maturity. There is no specific overt act as against the petitioner and no offence is made out, even as per the complaint. Therefore, charge sheet filed by the first respondent is liable to be quashed.



CrI.O.P.(MD)No.3075 of 2020

3.No counter was filed by the respondents.

WEB COPY

4.The learned counsel appearing for the petitioner would contend that the petitioner herein is arrayed as accused in C.C.No.2 of 2019 for the offence punishable under Sections 406, 420, 120(B) IPC r/w Section 15 of the Tamilnadu Protection of interest of Depositors(In Financial Establishment)Act, 1997 and the same is pending before the learned Judge Special Court for TNPID cases, Madurai. The petitioner herein was Director of A1 company for some time and thereafter, she resigned. Again she was appointed as Director and again she resigned. She was no way connected with the company. She was appointed as Director without any assigning role to play in the company and she did not have any control over the day to day affairs of the company. There is no specific overt act as against the petitioner and no offence is made out, even as per the complaint. Therefore, charge sheet as against the petitioner is liable to be quashed.

5.The learned counsel appearing for the second respondent would contend that at the time of starting the company, the petitioner was



Crl.O.P.(MD)No.3075 of 2020

Director and she also actively participated in the affairs of the company.

Now, the case is posted for framing charges and the petitioner herein also filed discharge petition and the same was also dismissed. After elaborate investigation, the first respondent filed charge sheet, since prima facie materials available as against the petitioner. Therefore, at this stage, the petitioner is not entitled to get any relief and this petition is liable to be dismissed.

6.The learned Government Advocate(Crl.side) appearing for the first respondent would contend that in this case more than 985 victims involved and still the respondent police is receiving complaints and more than Rs.48 Crores properties identified and the petitioner is one of the Director of A1 company and she also participated in the affairs of the company. Therefore, the petitioner has to face the trial and already the petitioner filed discharge petition and the same was also dismissed by the trial Court and now case is posted for framing charges.

7.Heard both sides and perused the materials available in the records.



CrI.O.P.(MD)No.3075 of 2020

WEB COPY

8.It is admitted that already charge sheet filed as against the petitioner and amount involved in this case also around Rs.50 Crores. Apart from the second respondent herein, so many victims also involved in this case. Further, already the petitioner filed discharge petition and the same was dismissed by the trial Court since, there are prima facie materials available as against the petitioner herein. Hence, at this stage, this Court need not interfere with the charge sheet filed by the first respondent.

9.At this juncture, the learned counsel appearing for the petitioner requested this Court to pass order with regard to dispense with the personal appearance of the petitioner before the trial Court.

10.As far as dispensing the personal appearance of the petitioner is concerned, it is for the trial Court to decide the same depending upon the nature of the case. However, the petitioner is at liberty to approach the trial Court. If any application is filed by the petitioner with regard to the dispensing the personal appearance, the trial Court shall consider the



CrI.O.P.(MD)No.3075 of 2020

same, in accordance with law. Accordingly, this criminal original petition is disposed of. Consequently, connected miscellaneous petitions are closed.

17.08.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
gns

To

- 1.The Judge Special Court for TNPID cases, Madurai.
- 2.The Inspector of Police,
Economic Offences Wing,
Madurai.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



CrI.O.P.(MD)No.3075 of 2020

P. DHANABAL,J.

gns

CrI.O.P.(MD)No.3075 of 2020

17.08.2023