



WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.02.2024

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CRL.OP No. 14459 of 2022 &
CrI.MP.Nos.7951 & 7953 of 2022

- 1 MOHAMED ANSARI MOHAMED RAFI
S/O. MOHAMED RAFI MOHAMED SHERIFF NO.35
7TH STREET VSI ESTATE PHASE II
TIRUVANMIYUR CHENNAI.
- 2 MOHAMED RAFI MOHAMED SHERIFF
S/O. MOHAMED SHERIFF NO.18 MADA CHURCH
ROAD SANTHOME CHENNAI.

...Petitioners

Vs.

- 1 REGISTRAR OF COMPANIES
NO.26 HADDOWS ROAD SHASTRI BHAVAN CHENNAI.

...Respondent

PRAYER : This petition has been filed under Section 482 of Cr.P.C, to call for the records and quash all further proceedings in E.O.C.C.No.267 of 2017 on the file of the Additional Chief Hon`ble Metropolitan Magistrate



EO-II Egmore Chennai.

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For Petitioner : Mr.V.Regunathan
For Respondent : Mr.K.Ramanamoorthy

ORDER

The petitioner herein filed this petition to call for the records and quash all further proceedings in E.O.C.C.No.267 of 2017 on the file of the Additional Chief Hon`ble Metropolitan Magistrate EO-II Egmore Chennai.

2. The Registrar of Companies, Tamil Nadu, filed a complaint against the petitioners before the Additional Chief Metropolitan Magistrate Economic offences, Egmore, Chennai - 8, under Section 159 r/w 162 of the Companies Act, 2013, that the accused persons who are directors of the Nova Roofings and Pipes Limited, not filed the Annual Return upto 19.11.2014 before the complainant. Based on that complaint, E.O.C.C No. 267 of 2017 was registered against the petitioners. Challenging the same, the petitioners filed this petition.

3. The learned counsel for the petitioner submits that the said Annual General Meeting for the period 2013-2014 was held on 30.09.2014. Therefore, the company shall filed the Annual Returns form EForm 2B on or before 30.11.2013. The receipt SRN Q49297229 dated 28.11.2014 was



generated soon after the filing of the said Eform 20B and the payment made therein is being annexed but in the said filing the petitioners mistakenly annexed the CD contains list of shareholders subsequently he complied the same. Hence, he prays to allow this petition.

4. The learned counsel for the respondent submits that as a director of the said company the petitioners should have filed the return for the financial year 2013-14 on or before 30.11.2013 but they failed to comply the same and Form 20B was also not been filed properly. Therefore, the petitioners have violated the provisions of the Companies Act, 1956 under Section 159 and is punishable under Section 162 of Companies Act, 1956. Further, the petitioners did not filed the Form 20B for the financial year ended 31.03.2014 till date. Hence, they are liable to be prosecuted.

5. Considering the facts of the case, it is matter for trial and the petitioners can work out their remedy before the Trial Court. Further, the liberty is granted to the petitioners to file the petition for compounding the offence, if they ready to settle the issue.



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6. In the result, this petition is dismissed. No Costs. Consequentially,
connected miscellaneous petition is closed.

06.02.2024

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To

1. The Public Prosecutor,
High Court, Madras.

2. The Additional Chief Metropolitan Magistrate EO-II Egmore Chennai.



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T.V.THAMILSELVI, J.

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