



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. 14463 of 2022 &
CrI.MP.Nos.7955 & 7956 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.268 of 2017 on the file of the Additional Chief Hon`ble Metropolitan Magistrate EO-II Egmore Chennai.

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

**ORDER**

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The petitioner herein filed this petition to call for the records and quash all further proceedings in E.O.C.C.No.268 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 129(2) r/w 129(7) of the Companies Act, 2013, stating that the accused persons who are directors of the Nova Roofings and Pipes Limited, ought to have laid the financial statements for the financial year 2015 under Section (2) of Section 129 of the Companies Act, 2013 but they failed to lay the financial statements in the Annual General Meeting within the stipulated time on or before 30.09.2015. Based on that complaint E.O.C.C No. 268 of 2017 was filed against the petitioners. Challenging the same, the petitioners filed this petition.

3. The learned counsel for the petitioner submits that the petitioners were laid the financial statements for the financial year 2014-2015 at the Annual General Meeting. Hence, he prays to allow this petition.



4. The learned counsel for the respondent submitted that the petitioners should have filed the financial statement within thirty days from the day on Annual General Meeting is held. As per the Section 137 the company should have filed the Financial Statement through E FORM AOC 4 XBRL on 30.01.2016. But as per the MCA portal the petitioner company has not submitted the said FORM on time, it is inferred that petitioner company has not conducted the Annual General Meeting for the Financial Year 31.03.2015 on time. Hence, he prays to dismiss this petition.

5. Considering the rival submissions, the respondent argument is that the petitioners failed to lay the financial statements in the Annual General Meeting within the stipulated time on or before 30.09.2015 but the petitioners contention is that they have placed the financial statement at the Annual General Meeting on 30.09.2015 in respect of financial year 2014-2015 and complied the provisions of Section 129(2) r/w 129(7) of the Companies Act, 2013. This Court is of the view that it is matter for Trial 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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