



WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.02.2024

CORAM:

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

CRL.OP No. 20586 of 2022
& CrI. MP. No. 13493 of 2022

- 1 M/S.PREMIER ENERGY AND INFRA
STRUCTURE LIMITED KARUNAI KUDIL 1ST FLOOR
NO.226 CATHEDRAL ROAD CHENNAI 86 TAMIL
NADU. NOW AT TANGY APARTMENTS NO.34 DR.P.V.
CHERIAN CRESCEN
- 2 VIKRAM MANKAL
MANAGING DIRECTOR AF1 PALLAVA HEIGHTS NO.
54 LUZ AVENUE MYLAPORE CHENNAI.
- 3 VENKATRAMAN SRIRAMALAKSHMI
SECRETARY R/O. F5C VAIGAL APARTMENTS
AMMER JAHN STREET CHOOOLAIMEDU CHENNAI.

[PETITIONERS]

Vs

- 1 THE DEPUTY REGISTRAR OF COMP
ANIES TAMIL NADU SHASTRI BHAVAN 26
HADDOWS ROAD CHENNAI 600006.

[RESPONDENT]



PRAYER : This petition has been filed under Section 482 of Cr.P.C, to call for the records of complaint in E.O.C.C.No.282 of 2015 pending on the file of the Additional Chief Metropolitan Magistrate Economic Offence II Egmore Chennai 8 and quash the same.

For Petitioner : Mr.Anil Relwani.

ORDER

The petitioners have filed this petition to quash the EOCC.No. 282 of 2015 pending on the file of the Additional Chief Metropolitan Magistrate Economic Offence II, Egmore, Chennai-8.

2. The learned counsel for the petitioners submitted that the petitioners have already appointed women Director on 13.11.2015 and therefore, the present prosecution against the petitioners does not arrive. Hence, he prays to allow this petition.

3. The learned counsel for the respondent submitted that the petitioner is the Managing Director of the company, when the offences were committed he is one of the officers who are in default within the meaning of Section 2(60) of the Companies Act, 2013. He further submitted that the petitioner ought to have appointed one woman director but they failed. Thereafter, lodged a complaint under Section 149 of the Companies Act, 2013.



4. On seeing the entire facts and considering the submissions made on either side, and according to the company averments, the petitioners ought to have appointed one woman director but they failed to do so and the same needs detailed investigation. Hence, this Court is not inclined to quash EOCC.No.282 of 2015 pending on the file of the Additional Chief Metropolitan Magistrate Economic Offence II, Egmore, Chennai-8.

5. Liberty is granted to the petitioners to work out their remedy before the Registrars of Companies in the manner known to law. On considering the direction given to the petitioner, the learned trial Judge is directed not to conduct the proceedings till the petitioner works out the remedy before the Registrars of Companies. The petitioner is directed to file an application before the Registrars of Companies within a period of 8 weeks from the date of receipt of copy of this order.

14.02.2024

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To

The Public Prosecutor, High Court, Madras.



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T.V.THAMILSELVI, J.

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