



Crl.R.C.No.43 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.01.2026

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.R.C.No.43 of 2026

and

Crl.M.P.No.332 of 2026

1.M/s.Baby EMU Farms India (P) Ltd.,
Rep.by its Managing Director
S.Thangadurai.

2.S.Thangadurai
S/o. Sennappan,
Both are residing at
D.No.1/7-16-B2, Oorkownder,
Kunjandiyur, Gonur Post, Mettur T.k.
Salem – 636 404

...Petitioners

Vs.

1.G.Sekar
President of Vetrivinayagar Engineering College,
Mohanur, Namakkal District.

2.M.Subramaniam
Secretary, Subramaniam Polytechnic,
Mohanur, Namakkal District.

3. N.Selvakumar
Treasurer, Salem District.

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4.State, Rep.by
Inspector of Police
Economic Offences Wing-II
Salem District.

...Respondents

Prayer: Criminal Revision Petition filed under Section 397 r/w 401 of Cr.P.C., to set aside the order dated 15.12.2025 passed in Crl.M.P.No.245 of 2025 in C.C.No.23 of 2012 on the file of the learned Special Judge, Special Court under TNPID Act, Coimbatore.

For Petitioners : Mr.M.Rajasekar

For Respondents : Mr.R.Vinothraja
Government Advocate (Crl.Side) for R4

ORDER

The revision challenges the dismissal of the petitioners' application filed under Section 319 Cr.P.C.

2. The petitioners are accused in C.C. No. 23 of 2012 on the file of the learned Special Judge, Special Court, TNPID Act, Coimbatore. The allegation against the petitioners is that they had collected huge deposits from the general public promising to repay the same at high interest rates and that thereafter, the petitioners defaulted in payment of principal and the interest amounts.



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3. During the course of trial, the petitioners filed an application under Section 319 Cr.P.C. seeking to summon three other accused, who, according to the petitioners were also guilty of the offence charged against the petitioners. It is the case of the petitioners that from the money received from the general public, the petitioners had paid a sum of Rs.5crores to respondents 1 to 3 for the purchase of an Engineering College and a Polytechnic College; that respondents 1 to 3 were aware that the said money paid by the petitioners were received as deposits from the general public; that after receiving the said amount of Rs.5 crores, respondents 1 to 3 failed to transfer the Colleges, which they had promised on receipt of money.

4. The 4th respondent Police had filed counter to the petition filed by the petitioner stating that respondents 1 to 3 are not guilty of collection of deposits; that they had not committed any default in repayment of deposits and therefore, they cannot be prosecuted along with the petitioners for the offence under Section 5 of the Tamil Nadu Protection of Interest of Depositors (in Financial Establishments) Act, 1997.

5. Learned Special Judge, Special Court for TNPID Act accepted the submission made by the State and held that if the petitioners had been



cheated by respondents 1 to 3, it is for them to take action against respondents 1 to 3 and they cannot be held liable for the offence charged against the petitioners.

6. Learned counsel for the petitioners would, however, submit that during the course of investigation, the Investigating Officer had collected a sum of Rs. 3 crores from respondents 1 to 3 and therefore, respondents 1 to 3 were aware that the money paid by the petitioners were deposits collected by them and since they failed to honour the commitment, they are also guilty of the offence under Section 5 of Tamil Nadu Protection of Interest of Depositors (in Financial Establishments) Act, 1997

7. Heard both sides and perused the records.

8. Admittedly, respondents 1 to 3 have nothing to do with the affairs of the 1st petitioner. By an agreement, the 1st petitioner had transferred Rs.5crores to respondents 1 to 3 on the promise made by respondents 1 to 3 that they would transfer the Engineering College and the Polytechnic College in favour of the 2nd petitioner. Though respondents 1 to 3 had knowledge that the amount paid by the petitioners was from the deposits by the general public, however, that alone would not be sufficient to make them guilty of the offence under Section 5 of Tamil Nadu Protection of



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Interest of Depositors (in Financial Establishments) Act, 1997. The offence

would be made out if there was default in repayment of deposits. If the petitioners had been cheated by respondents 1 to 3, it is always open to the petitioners to file a separate complaint against them if any cognizable offence had been committed by them. Therefore, this Court finds no infirmity in the impugned order.

9. With the above observations, the revision stands dismissed.

Connected miscellaneous petition stands closed.

09.01.2026

Index : Yes/No
Speaking order : Yes/No
nv

To

1.The Special Judge, Special Court under TNPID Act,
Coimbatore.

2.The Inspector of Police
Economic Offences Wing-II
Salem District.

3. The Public Prosecutor, High Court, Madras.

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SUNDER MOHAN.J.,

nv

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