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Crl.O.P.No.29020 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.03.2026

CORAM

THE HON'BLE Mr. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.29020 of 2022

and

Crl.M.P.No.17783 of 2022

Shankar

.... Petitioner

Vs

1.State Rep.by
The Inspector of Police,
Economic Offence Wing,
Namakkal District.
Crime No.5 of 2013.

2.The Competent Authority,
District Revenue Officer,
Erode.

(R2 Impleaded as per order dated 03.02.2023
in Crl MP.No.883 of 2023 in Crl OP.No.29020 of 2022
and Crl MP.No.17783 of 2022)

.... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to set aside the order made in CMP No.2073 of 2022 dated 16.11.2022 in CC No.12 of 2014 on the file of the Special Judge, Special Court under Tamil Nadu Protection of Interest and Depositors Act, Coimbatore.

For Petitioner : Mr.G.Murugendran

For Respondents : Mr.A.Gopinath
Government Advocate (Crl.Side)



Crl.O.P.No.29020 of 2022

ORDER

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This Criminal Original Petition has been filed challenging the order dated 16.11.2022 passed in C.M.P.No.2073 of 2022 by the Special Judge, Special Court under Tamil Nadu Protection of Interest and Depositors Act, Coimbatore, thereby dismissing the application filed by the petitioner to recall 46 depositors.

2.The petitioner is arrayed as A2 in C.C.No.12 of 2014 and is facing charges for the offence punishable under the TNPID Act. While pending trial, the prosecution examined 72 witnesses out of 82 listed witnesses. Out of the said 72 witnesses 62 were depositors, who were examined on the side of the prosecution. Thereafter, the petitioner settled the dues and entered into a Memorandum of Understanding between them. In order to mark the said Memorandum of Understanding between the petitioner and the depositors, the petitioner filed an application to recall the settled depositors for the purpose of marking the Memorandum of Understanding through their affidavit. However, the said application was dismissed by the trial Court. Aggrieved by the same, the present criminal original petition has been filed.

3.While pending this petition, this Court directed the Competent Authority to enquire into the settlement said to have been entered into between



CrI.O.P.No.29020 of 2022

the petitioner and the depositors. Pursuant to the said direction, the Competent

Authority examined the settled depositors and found that certain amounts were still due to be paid by the petitioner. At the same time, the petitioner also produced Memorandum of Understanding entered into between the petitioner and the depositors by way of affidavits, wherein the depositors have stated that they had received 60% to 70% of the total deposit amount and they were satisfied with the same as full and final settlement. However, the said documents were not marked before the Trial Court since the Memorandum of Understanding were entered into after the examination of the depositors during the trial. In view of the same, this Court is of the view that it would be just and necessary to mark the said documents and also to record the stand of the depositors as to whether the settlement entered into by them with the petitioner constitutes a full and final settlement or whether any amount still remains due.

4. In view of the above, the recall petition filed by the petitioner is allowed. It is made clear that the Trial Court is directed to permit the petitioner only to mark the Memorandum of Understanding entered into between the petitioner and the depositors by way of affidavits and record their stand as to whether they are fully satisfied by the petitioner or whether any amount remains due. Further, according to the petitioner, out of 62 depositors, 42 depositors have already been settled and remaining 20 depositors is yet to be settled. In

3/6



Crl.O.P.No.29020 of 2022

in this regard, the second respondent is taking steps to attach the property measuring 3.18 acres belonging to the petitioner's mother, situated at Karadipatty Village, Namakkal District, in order to realize the dues payable to the remaining depositors. Therefore, the second respondent is directed to attach the said property situated at Karadipatty Village, Namakkal District and take appropriate steps to realize the value of the subject property by way of sale, in accordance with law, to settle the remaining depositors. The said process shall be completed within a period of three months from the date of receipt of a copy of this order.

5. In the result, this Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

03.03.2026

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Index: Yes/No
Internet: Yes/No
Speaking/Non-speaking order
Neutral Citation : Yes/No



CrI.O.P.No.29020 of 2022

To

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

2.The Inspector of Police
Economic Offence Wing,
Namakkal District

3.The Competent Authority,
District Revenue Officer,
Erode.

4.The Public Prosecutor,
High Court of Madras,
Chennai.



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Crl.O.P.No.29020 of 2022

G.K.ILANTHIRAIYAN, J.

Lpp

Crl.O.P.No.29020 of 2022

03.03.2026