

CRL.O.P.No.17359 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED: 07-07-2026

CORAM:

THE HON'BLE MR. JUSTICE D.BHARATHA CHAKRAVARTHY

CRL.O.P.No.17359 of 2026

1. Sureshkumar
2. Narayanan

..Petitioners

Vs.

State Rep. by the Inspector of Police,
Civil Supplies CID,
Chennai.
Crime No.149 of 2025

..Respondent

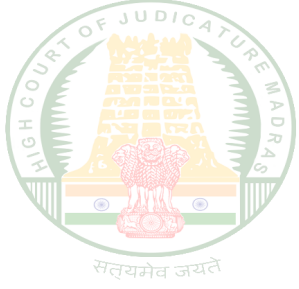
Prayer: Criminal Original Petition filed under Section 528 of BNSS, praying to call for the entire records pertaining to the impugned proceedings in CC.No.2602 of 2025 on the file of the VI Metropolitan Magistrate, Egmore, Chennai and quash the same.

For Petitioners :

Mr.M.Balaji

For Respondent :

Mr.M.Mohamed Riyaz,
Government Advocate (Crl.Side)



CRL.O.P.No.17359 of 2026

ORDER

WEB COPY

This Criminal Original Petition has been filed seeking to quash the impugned proceedings in CC.No.2602 of 2025 on the file of the VI Metropolitan Magistrate, Egmore, Chennai.

2. The gist of allegations is that when the respondent/Police intercepted the auto-rickshaw, they found 190 bags of PDS rice, totalling 4,750 kilograms, being transported by the petitioners, hence the case.

3. The learned counsel for the petitioners submitted that in this case, there is no evidence to show that the petitioners procured the rice from the cardholders; that the prosecution is based solely on the certificate of the Quality Control Inspector stating that the rice is PDS rice and the said certificate cannot form the basis of the prosecution; that there is no material to establish the the rice is PDS rice.

4. In support of his contentions, the learned counsel relied upon the order of this Court in *Beer Mohammed & others Vs. The Inspector of*



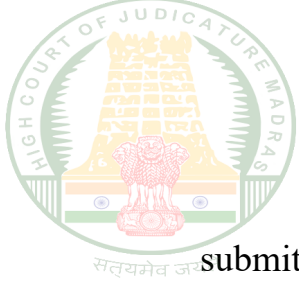
CRL.O.P.No.17359 of 2026

Police (Crl.O.P.(MD).No.7252 of 2010 decided on 21.12.2016) [2016

Supreme (Mad) 3789]. Further, he submitted that as per Clause 13(1)(e) of the Tamil Nadu Scheduled Commodities Order, 1982, upon seizure of the stock of any scheduled commodity, a receipt for the seizure must be given immediately. However, in the present case, the said rule has been violated and for all the above reasons, the impugned proceedings are liable to be quashed.

5. *Per contra*, the learned Government Advocate (Criminal Side) appearing for the respondent/Police submitted that in this case, after due analysis, the Quality Control Inspector issued the certificate and the stock was seized after the sample was analysed. Based on the report of the Quality Control Inspector, the prosecution will be in a position to prove that the rice is PDS rice. Apart from the Quality Control Inspector, an eyewitness to the transactions of the petitioners collecting this rice from one Sivakumar has been examined and listed as a witness. Therefore, there is enough material to proceed further with the trial.

6. The learned Government Advocate (Criminal Side) further



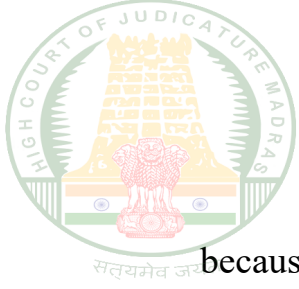
CRL.O.P.No.17359 of 2026

submitted that as far as the violation of 13(1)(e) is concerned, it is the petitioners who must establish that no receipt was given. In any event, a mere procedural irregularity in seizing the material alone will not entitle the petitioners to move this Court for quashing the final report.

7. Heard the rival submissions made on either side and perused the materials available on record.

8. On a perusal of the order in *Beer Mohammed (supra)*, it can be seen that the certificate of the Quality Control Inspector, in isolation, cannot form the sole material for prosecution. Factually, in this case, apart from the certificate of the Quality Control Inspector, the listed witness, namely Sivakumar, also speaks about the fact that these petitioners were procuring PDS rice in that particular area. Therefore, there is enough material in the present case to proceed further.

9. Further, with reference to the Quality Control Inspector's statement, he duly analysed the sample and issued a certificate. The certificate categorically states that the rice is PDS rice. This is possible



CRL.O.P.No.17359 of 2026

because, for the purpose of distributing PDS rice, particular methods (parboiling, double boiling, etc.) are used by the Government to differentiate PDS rice from the rest of the rice available in the market. Therefore, it cannot be said that the Quality Control Inspector cannot certify a particular rice to be PDS rice.

10. In any event, the ratio of the order cited is that based on the isolated evidence alone, the petitioners need not be prosecuted. In the instant case, firstly, they were intercepted and caught red-handed with the rice. Secondly, the eyewitnesses have also been examined as L.W.3 and L.W.4.

11. In view of the above facts, the aforesaid contention of the learned counsel for the petitioners cannot be accepted. Regarding the other submission that there is a violation of Rule 13(1)(e), as rightly contended by the learned Government Advocate (Criminal Side), the said contention can be raised during the course of the trial through due cross-examination of the witnesses. It is for the Trial Court to consider the prejudice caused to the accused and decide the issue, and the same cannot



CRL.O.P.No.17359 of 2026

be a ground for quashing the final report.

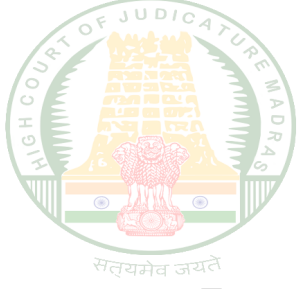
WEB COPY

12. For all the above reasons, I find no merit in this petition and accordingly, this Criminal Original Petition stands disposed of. Considering the plea made by the learned counsel for the petitioners, the Trial Court shall dispose of the case as expeditiously as possible, in any event, not later than one (1) year from the date of receipt of the web-copy of the order.

07-07-2026

Neutral Citation: Yes

Sni



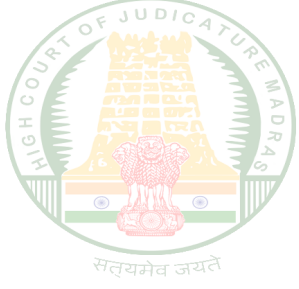
CRL.O.P.No.17359 of 2026

WEB COPY

To
1.The VI Metropolitan Magistrate,
Egmore,
Chennai.

2.The Inspector of Police,
Civil Supplies CID,
Chennai.

3.The Public Prosecutor,
High Court of Madras.



WEB COPY

CRL.O.P.No.17359 of 2026

D.BHARATHA CHAKRAVARTHY, J.

Sni

CRL.O.P.No.17359 of 2026

07-07-2026

Page8 of 8