



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.04.2015

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

Crl.O.P.(MD) .No.5594 of 2015

and

M.P.(MD) .Nos.1 and 2 of 2015

Priya

... Petitioner/13th Accused

-Vs-

The State of Tamil Nadu
represented by
Its Inspector of Police,
C.S.C.I.D.,
Virudhunagar,
Virudhunagar District.
(Crime No.779 of 2008)

... Respondent/Complainant

PRAYER:- Criminal Original Petitions are filed under Section 482 of the Code of Criminal Procedure praying to call for records relating to case in C.C.No.145 of 2010 pending on the file of the Judicial Magistrate No.II, Ramanathapuram District and quash the same.

For Petitioner :Mr.N.Dilipkumar

For Respondent :Mr.S.Prabha

Government Advocate(Crl.side)

ORDER

The petitions have been filed under Section 482 of the Code of Criminal Procedure, 1973 praying to call for records relating to case in C.C.No.145 of 2010 pending on the file of the Judicial Magistrate No.II, Ramanathapuram District and quash the same.

2.Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Crl.side) appearing for the respondent.

3.A case was registered under Section 6(4) of TNCS (RDCS) Order of 1982 r/w Section 7(1) a(ii) of Essential Commodities Act of 1955 in Crime No.779 of 2008 against the petitioner. Though the petitioner is not arrayed as an accused in the case registered, thereafter she has roped in this case on the ground that a Maruti Suzuki car with Registration No.TN67-H-9503, which has followed by a lorry which in turn carried the contraband goods belonging to the petitioner. In the petitioner's vehicle load-men were



traveling. Therefore, being the owner of the Maruti Van, which followed the lorry, which carried the contraband goods, the petitioner was arrayed as A3.

4.The learned counsel for the petitioner submitted that absolutely there is no material against the petitioner. Merely because, she is the owner of the vehicle, she could not be roped as an accused. Moreover, when the goods were not carried on in the vehicle, the fact that her vehicle carrying the load-men, who were supported to load and unload the goods available with the lorry, cannot be a ground to implead her as an accused. In the absence of any material to substantiate any crime committed by the petitioner, the proceedings are liable to be quashed, as far as she is concerned.

5.The learned Government Advocate (Crl.side) based upon the counter affidavit filed and on instructions submitted that the petitioner is the owner of the vehicle which fact is not in dispute, the fact that the vehicle carried the load-men is also not in dispute, under those circumstances, she has been arrayed as an accused.

6.Absolutely, there is no material to implead the petitioner as an accused in this case. Merely because she happens to be the owner of the vehicle, which carried the loadmen, it cannot be stated that a criminal liability would be fastened on her. Admittedly, the goods were carried on in the lorry belonging to a third party and not in the vehicle of the petitioner. Therefore, even as per the case of the prosecution, no case is made against the petitioner. Thus, this Court is of the view that the travesty of interest of justice to allow the trial go on as against the petitioner, who is said to be a lady having four minor children. Accordingly, the proceedings initiated against the petitioner in C.C.No.145 of 2010 on the file of the Judicial Magistrate No.II, Ramanathapuram District is quashed and the criminal original petition is allowed. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(AE)

/True Copy/

Sub-Assistant Registrar

To

- 1.The Judicial Magistrate Court No.II, Ramanathapuram District.
- 2.do through the Chief Judicial Magistrate, Ramanathapuram
- 3.The Inspector of Police, C.S.C.I.D.,
Virudhunagar, Virudhunagar District.
- 4.The Additional Public Prosecutor
Madurai Bench of Madras High Court, Madurai
+One cc to Mr.N.Dilipkumar, Advocate, SR.No.21078