



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **14.12.2016**

CORAM:

THE HONOURABLE MR.JUSTICE **R.SUBBIAH**

Cr1.OP.[MD].No.1545 of 2011

and

M.P.Nos.2 and 3 of 2015

Lakshmanan : Petitioner/Accused No.2

Vs.

The State of Tamil Nadu,
Represented by The Seed Inspector,
Ramanathapuram. : Respondent/Complainant

PRAYER: Petition is filed under Section 482 of the Code of Criminal Procedure to call for the records pertaining to the impugned complaint in S.T.C.No.1006 of 2009, on the file of the learned Judicial Magistrate No.I, Ramanathapuram and quash the same in so far as the petitioner is concerned.

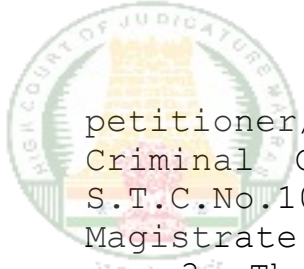
For Petitioner : Mr.V.Sasikumar

For Respondent : Mrs.S.Prabha
Government Advocate

O R D E R

This Criminal Original Petition has been filed seeking to quash the complaint in S.T.C.No.1006 of 2009, on the file of the learned Judicial Magistrate No.I, Ramanathapuram, in so far as the petitioner is concerned.

2. The petitioner herein is arrayed as the second accused in the said complaint. The Seed Inspector, Ramanathapuram, the respondent herein, lodged the said complaint under Section 19(a) (i) of the Seeds Act, 1966, alleging that the paddy seeds supplied by the first accused, namely, M/s.Selva Farm Seeds, to the farmers, including the complainant, are of sub-standards, which contained 5 to 10% of adulterated seeds, whereas only 0.2% of adulterated seeds are permitted. Based on the said complaint, an explanation was called for from the first accused, namely, the owner of M/s.Selva Farm Seeds. However, even before submitting his explanation, the first accused died on 13.05.2009. Now, the



petitioner/the second accused has come forward with the present Criminal Original Petition seeking to quash the complaint in S.T.C.No.1006 of 2009, on the file of the learned Judicial Magistrate No.I, Ramanathapuram.

3. The learned counsel for the petitioner submitted that the petitioner herein is no way connected with the manufacturing of seeds, as he is working as an Accountant in the company run by the first accused. In fact, the explanation was called for only from the owner of the company and not from this petitioner, who was working as an Accountant in the said Company. The learned counsel for the petitioner further submitted that even before submitting the explanation, the first accused died, on 13.05.2009. The learned counsel for the petitioner also submitted that a reading of the complaint would show that there is no allegation against this petitioner.

4. The learned Government Advocate for the respondent, on a reading of the complaint, admitted that the petitioner herein was only an employee working in M/s.Selva Farm Seeds company at the relevant point of time and there is no allegation against him.

5. I have considered the above submissions made on either side and gone through the materials available on record carefully.

6. It is the settled law that when the allegations made in the First Information Report or the complaint, even if they are taken at their face value and accepted in their entirety, do not *prima facie* constitute any offence or make out a case against the accused, such First Information Report or the complaint can be quashed. [vide **CDJ 1990 SC 84, State of Hariyana and others Vs. Bajan Lal & Others**].

7. In the instant case, a reading of the complaint would show that there is no *prima facie* case made out against the petitioner herein. Absolutely, there is no allegation to the effect that the petitioner herein has a role in manufacturing the seeds and adulterating the same. Thus, the complaint made against the petitioner, in my considered view, is not sustainable. Therefore, this Court is inclined to quash the complaint in S.T.C.No.1006 of 2009, on the file of the learned Judicial Magistrate No.I, Ramanathapuram.

8. In the result, the Criminal Original Petition is allowed and the complaint in S.T.C.No.1006 of 2009, on the file of the learned Judicial Magistrate No.I, Ramanathapuram, is quashed, insofar as the petitioner is concerned. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CO)



To

1.The Judicial Magistrate No.I,
Ramanathapuram.

2.The Seed Inspector,
Ramanathapuram.

+1 cc to M/s.V.Sasikumar, Advocate in SR.No.81120

ORDER MADE IN
Cr1.OP.[MD].No.1545 of 2011
14.12.2016

NB

CSL/SS-2/03.01.2017 :3P/4C