

**THE HON'BLE SRI JUSTICE RAJA ELANGO**

**WRIT PETITION No.40928 OF 2016**

**ORDER:**

The writ petition is filed by the petitioner seeking a writ of mandamus declaring the action of the respondents in registering the crime in F.I.R.No.125 of 2016 on the file of the second respondent for the offences under Sections 420 IPC and Section 7 of the Essential Commodities Act, as illegal and arbitrary, and consequently, to quash the same.

Heard and perused the material.

Learned counsel for the petitioner submits that the petitioner adheres to very stringent procedures to ensure quality check and standards of each of their products and that the petitioner's laboratory is a Member of International Seed Testing Association (ISTA) based at Geneva and Switzerland. He further submits that the allegations made in the complaint does not attract an offence under Section 420 IPC and that the complaint also does not disclose about the result of the laboratory report as regards the genetic purity. Hence, he submits that the allegations made in the complaint are baseless and as such, prays this Court to quash the proceedings.

This Court is not inclined to quash the proceedings against the petitioner. However, taking into consideration the facts and circumstances of the case, the second respondent is directed to complete the investigation without arresting the authorised representative/s of the petitioner herein and file final report, if any, in accordance with law. The authorised representative of the petitioner is directed to appear before the second respondent and execute a personal bond for a sum of Rs.5,000/- (Rupees five thousand only) with one surety for the likesum for his future appearance for the purpose of investigation.

The writ petition is accordingly disposed of. Consequently, miscellaneous petitions, if any shall also stand disposed of.

**JUSTICE RAJA ELANGO**

25.11.2016  
pln