

THE HON'BLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.40952 OF 2016

ORDER:

1. The writ petition is filed by the petitioners seeking to declare the action of the 2nd respondent in registering the crime in F.I.R.No.125 of 2016 against them for the offences under Section 420 IPC and Section 7 of the Essential Commodities Act, as illegal and arbitrary, and consequently, to quash the same.
2. Heard and perused the material on record.
3. Learned counsel for the petitioners submitted that the second petitioner is the proprietor of the first petitioner proprietary firm and that the petitioners sell and distribute the chilly seeds to the other dealers and farmers in sealed packages in the same condition as received from various seed producers/manufacturers without any alterations in the said deed packages. He further submitted that the present complaint is filed alleging that there is a deviation in genetic purity of the seeds supplied by the petitioners herein. But the petitioners are no way concerned with the purity.
4. Considering the facts and circumstances of the case, this Court is not inclined to quash the proceedings against the petitioners. However, taking into consideration the fact that the petitioners sell the seeds in the same condition as received from various seed producers/manufacturers, the second respondent is directed to complete the investigation without arresting the petitioners and file final report, if any, in accordance with law. The second 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 like sum for his future appearance for the purpose of investigation.
5. The writ petition is accordingly disposed of. Consequently, miscellaneous petitions, if any shall also stand disposed of.

JUSTICE RAJA ELANGO

25.11.2016
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