

THE HON'BLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.40924 OF 2016

ORDER:

The writ petition is filed by the petitioners 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 petitioners submits that the second petitioner is the proprietor of the first petitioner proprietary firm and that the petitioners sells and distributes 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 submits that the present complaint is filed alleging that the seeds supplied by the petitioners herein are conforming to the genetic purity, but the petitioners are no way concerned with the purity and as such, he prays this Court to quash the proceedings against the petitioners herein.

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 sells 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 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
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