

**THE HON'BLE SRI JUSTICE M.S.K. JAISWAL**

**CRIMINAL PETITION No.11069 of 2016**

**ORDER:**

This petition is filed under Section 482 Cr.P.C. by the petitioner/accused, seeking to quash the proceedings in Crime No.205 of 2015 on the file of Station House Officer, Utnoor Police Station, Adilabad District, registered for the offences punishable under Sections 409, 420 and 406 of IPC.

2 . Heard learned counsel for the petitioner and learned Additional Public Prosecutor representing the State. Perused the material on record.

3. The case of the prosecution in brief is as follows:

On 12.11.2015, the 2<sup>nd</sup> respondent addressed a letter to the Police, Utnoor Police Station, stating that the then Tahsildar, Utnoor, submitted a report to the Collector (CS), Adilabad on 30.06.2016 against the petitioner stating that the petitioner, being a fair price shop dealer, not distributed the red gram dal of 845 Kgs. to the ration card holders and sold away the same for higher price, which is nothing but violation of conditions of Public Distribution Control Order and therefore, the petitioner is liable for punishment. Basing on the said report, the Collector (CS), Adilabad vide proceedings dated 09.07.2015 directed the Revenue Divisional Officer, Utnoor and Tahsildar, Utnoor to take action against the petitioner and also requested to file a criminal case. After registration of crime, the petitioner submitted a representation to the District Collector and other Higher Officials. Basing on the same, the Collector (CS), Adilabad vide proceedings dated

13.02.2016 directed the Revenue Divisional Officer, Utnoor, to reduce the penalty and to withdraw the criminal case by converting the same into departmental case. Hence, the Revenue Divisional Officer, Utnoor, by proceedings dated 15.02.2016 and 11.03.2016 directed the 2<sup>nd</sup> respondent to examine the issue of withdrawal of criminal case against her. Thereafter, the

2<sup>nd</sup> respondent addressed a letter to the Station House Officer, Utnoor Police Station on 15.03.2016 requesting for withdrawal of criminal case against the petitioner. In view of the same, continuation of criminal proceedings against the petitioner is abuse of process and hence prayed to quash the same.

4. It is submitted by the learned counsel for the petitioner that according to the provisions of the Public Distribution Control Order, if any fair price shop dealer violates the conditions, the Department has to initiate the departmental proceedings against such dealer but the 2<sup>nd</sup> respondent initiated criminal proceedings against the petitioner, who is a fair price shop dealer.

5. In that view of the matter, this Criminal Petition is disposed of directing the investigating agency to consider the letter dated 15.03.2016, addressed by the 2<sup>nd</sup> respondent to the Station House Officer, Utnoor Police Station and take action accordingly. Pending consideration of the same, the petitioner shall not be arrested.

Pending miscellaneous applications, if any, shall stand closed in consequence.

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**M.S.K. JAISWAL, J**

July 29, 2016  
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