

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.09.2017

CORAM

THE HON`BLE MR.JUSTICE **A.D. JAGADISH CHANDIRA**

Crl.O.P.No.26011 of 2013 and M.P.Nos.1 and 2 of 2013

1. M/s.Shanmuga Velanmai Nilayam,
rep. by K.S.Senthil Kumar,
No.61/1, Market Road,
Pollachi-642 001, Coimbatore District.
2. M/s.Linga Chemicals, rep.by
P.Mahalingam, No.3, B1
Police Station Lane,
East Masi Street, Madurai-625 001. Petitioner/Accused

Vs

The State of Tamil Nadu,
rep.by Agricultural Officer,
Office of Assistant Director of
Agriculture, Pollachi South,
Pollachi-642 001,
Coimbatore District.

सत्यमेव जयते

.... Respondent/Complainant

Criminal Original Petition filed under Section 482 Cr.P.C, to call for the records relating to the proceedings in C.C.No.62 of 2013, now pending on the file of the Judicial Magistrate No.IV, Coimbatore, and to quash the same.

For Petitioner	: Mr.S.Subbiah, Sr.Counsel for Mr.K.Raja.
For Respondents	: Mr. B.Ramesh Babu, Government Advocate (Crl. Side)

ORDER

The petitioners have filed this petition seeking to quash the complaint filed against them by the respondent under Section 200 of the Code of Criminal Procedure, before the learned Judicial Magistrate No.IV, Coimbatore, for contravention of Section 3(2)(a) of the Essential Commodities Act under the provisions of Fertilizer (Control Order) 1955.

2. The second petitioner is the Manufacturer and the first petitioner is the Dealer and both of them are licensees under the provisions of the Fertilizers (Control) Order 1985 (hereinafter referred to as the Order, framed under the provisions of the Essential Commodities Act, 1955.

3. Though several grounds had been raised by the petitioners in the quash petition, learned Senior Counsel Mr.S.Subbiah, appearing for the petitioners confines his arguments to the only ground that the case alleged against the petitioners is for the offence of contravening Section 3(2)(a) of the Essential Commodity Act, 1955, wherein the maximum punishment under the Act is only one year and that the complaint having been filed beyond the period of limitation is struck by

that the proceedings have to be quashed.

4. Per contra, the learned Government Advocate appearing for the respondent had filed a counter stating that the complaint filed against the petitioners is not for the alleged violation of Fertilizer (Control) Order alone, whereas the complaint has been filed for the offence under Section 3(2)(a) of the Essential Commodities Act, 1955 which is punishable under Section 7(1)(a)(ii) of the Essential Commodities Act, wherein the punishment prescribed is imprisonment for the term which shall not be less than three months but shall be extended to 7 years and shall also be liable to pay fine and therefore there was no delay and that the complaint has been filed within the period of limitation and submitted that the quash petition has to be dismissed.

5. Perused the copy of the complaint. The complaint has been filed against the petitioners for the offence which is punishable under Section 7(1)(a)(ii) of the Essential Commodities Act, 1955 wherein the punishment prescribed is imprisonment for the term which shall not be less than three months but shall be extended to 7 years and shall also be liable to pay fine and thereby the ground raised by the petitioner cannot be sustained.

A.D.JAGADISH CHANDIRA, J

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6. In view of the above, the quash petition filed by the petitioner lacks merit and is dismissed. Consequently, M.P.Nos. 1 and 2 of 2013 are closed.

18.09.2017

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Index : Yes

Internet: Yes

To

1. The Public Prosecutor, High Court, Chennai.
2. The Judicial Magistrate No.IV, Coimbatore

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Crl.O.P.No.26011 of 2013