



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.08.2017

CORAM:

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

CRL.O.P (MD) No.3039 of 2016

and

CRL.M.P (MD) No.1499 of 2016

Arumugam @ Siva Arumugam

... Petitioner/1st Accused

Vs.

1. Inspector of Police,
Civil Supply Crime Investigation Department
(CSCID), Madurai.
(Ref:Crime No.646 of 2008)

... Respondent/Complainant

2. Parameswari,
Taluk Supply Officer,
O/o.Taluk Supply Officer,
Madurai.

... Respondent/De-facto Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for records in C.C.No.38 of 2010 on the file of the learned Judicial Magistrate No.III, Madurai and quash the charge sheet and consequential further proceedings as against the petitioner.

For Petitioner	: Mr.D.Shanmugaraja Sethupathi
For R1	: Mr.K.Anbarasan (Crl.side) Government Advocate
For R2	: No appearance

O R D E R

This petition is filed to quash C.C.No.38 of 2010 on the file of the learned Judicial Magistrate No.III, Madurai and consequential further proceedings as against the petitioner.

2.The contention raised by the learned counsel for the petitioner in this case is that the subsequent proceedings would certainly disclose that the findings of authorities do not go well with the charge sheet and that the petitioner was implicated and made as an accused only on the basis of the confession statement which is not admissible in evidence.

3.The orders passed by the authorities under Essential Commodities Act after the filing of the charge sheet may be a
<https://hcservices.courts.gov.in/hcservices/> evidence which is available to the petitioner to defend the criminal case. However, the material which may indicate the non-involvement of the petitioner in the criminal

case cannot be a reason or ground on which Charge Sheet can be quashed.

4.The second submission is that the inclusion of the petitioner in the charge sheet based on confession of other accused is inadmissible. First of all, the question of admissibility of evidence can be gone into only at the time of trial. The admissibility or any other irregularity in the process of collecting evidence cannot be a reason or a ground to quash the charge sheet.

5.In this case, the learned counsel for the petitioner himself admitted that the inclusion of the petitioner is on the basis of some material namely the confession statement of one of the co-accused. Therefore, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Records)

/True copy/

Sub Assistant Registrar

To

1. The Judicial Magistrate No.III,
Madurai.
 2. The Inspector of Police,
Civil Supply Crime Investigation Department
(CSCID), Madurai.
 3. The Taluk Supply Officer,
O/o.Taluk Supply Officer,
Madurai.
 4. The Additional Public Prosecutor,
Madras High Court, Madurai Bench, Madurai.
- +1 CC to M/s.D.SHANMUGARAJA SETHUPATHI, Advocate, SR No. 69894.

PSD/DAS

PSM/KK/SAR4/29.08.2017/2P/6C

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and

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