

In the High Court of Judicature at Madras

Dated : 25.01.2018

Coram :

The Honourable Mr.Justice M.S.RAMESH

Crl.O.P.No.704 of 2018 and
Crl.M.P.No.228 of 2018

S.Thayumanaswamy

...Petitioner

Vs

State rep. by

1. The Inspector of Police,
Civil Supplies CID,
Chennai.
Crime No.291/10

2. K.Ravikumar
Deputy Commissioner,
Civil Supplies & Consumer,
Protection Department,
Mayilapore Division, Chennai.

...Respondents

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records in Crime No.291 of 2010, on the file of the Inspector of Police, Civil Supplies CID, Chennai, and quash the same.

For Petitioner : Mr.Krishnasamy Chinnasamy

For Respondent : Mrs.P.Kritika Kamal
Government Advocate (Crl.Side)

ORDER

The prayer sought for in the petition is to quash the proceedings in Crime No.291 of 2010, on the file of the first respondent.

2 Based on an inspection conducted in the year 2010, the petitioner herein has been arrayed as an accused for having misappropriated a sum of Rs.21,903.85/-. Hence, FIR has been registered against him on 20.05.2010 for offences under Sections 6(ii) and 6(iii) of TNSC (RDCS), order 1982 r/w 7(i) a (ii) of Essential Commodities Act, 1955.

3 It is submitted by the learned counsel for the petitioner that the petitioner was not involved in the occurrence and that he has been improperly arrayed as third accused. The learned counsel further submitted that in view of

registration of the complaint against the petitioner, he had been placed under suspension from service and that, the alleged misappropriated amount was already re-paid to the department, without admitting the complaint.

4 The learned Government Advocate (Crl.Side) submitted that since the offences are under the Special Act and in view of gravity of the offences, no leniency should be extended to the petitioner herein. The offences have been made pursuant to an enquiry report and, therefore, the grounds raised by the petitioner are not tenable.

5 Though the petitioner has re-paid the alleged misappropriated amount, it cannot be said that the petitioner can be automatically absolved from the offences. Nevertheless, it is rather unfortunate that though the complaint came to be registered in the year 2010, the respondents are yet to file the final report or charge sheet.

6 Today, when the matter was called, the learned Government Advocate (Crl.Side), on instruction, submitted that the investigation is still pending.

7 I am unable to comprehend as to how the respondent police would be justified in keeping the investigation pending for a period of more than seven years. Apart from that, it is also seen that the petitioner was placed under suspension, in view of the pendency of the criminal proceedings. Furthermore, he had been anticipating the outcome of the final report of investigation for more than seven years. In the mean time, he also retired from his service. The inordinate delay in completing the investigation would have certainly caused serious prejudice to the petitioner herein. On this sole ground the petitioner would be entitled to succeed.

8 In view of the laches on the part of the prosecution to complete the investigation within a reasonable time, I am of the view that no justification can be established, if the respondents herein are permitted to file a final report/charge sheet, at this belated stage. Hence, the criminal original petition stands allowed. The proceedings in Crime No.291 of 2010, on the file of the Inspector of Police, Civil Supplies CID, Chennai, is hereby quashed. Consequently connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VII)

//True copy//

Sub Assistant Registrar

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To

1. The Inspector of Police,
Civil Supplies CID, Chennai.

2. K.Ravikumar
Deputy Commissioner,
Civil Supplies & Consumer,
Protection Department,
Mayilapore Division, Chennai.

3. Government Advocate (Crl.Side)
High Court, Madras.

+2cc to Mr.Krishnasamy Chinasamy, Advocate SR.No.6429

Crl.O.P.No.704 of 2018

GN(13/02/2018)



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