

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 29.10.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.O.P.No.8040 of 2018
and CRL.M.P.No.4132 of 2018

E.Anand ... Petitioner

Vs

1.State rep. by
The Inspector of Police,
Commercial Crime Investigation Wing,
Chennai-52.
(Crime No.46/2014)

2.Mr.R.Subramanian,
Deputy Registrar,
Civil Supplies & Consumer Protection Department,
Triplicane-2, Chennai-5. ... Respondents

Criminal Original Petition filed under Section 482 of Cr.P.C., praying to call for the records and quash the FIR registered in Cr.No.46/2014, by the respondent Police in so far as it relates to the petitioner.

For Petitioner : Mr.J.Muthukumaran

For Respondents : Mrs.M.Prabhavathi, APP

O R D E R

On the complaint lodged by the Deputy Registrar of Civil Supplies and Consumer Protection Department, Chennai, the respondent Police have registered a case in Crime No.46 of 2014 dated 30.01.2014 for the offences under Section 6(2)(3) of TNSC (RDCS) Order 1982 r/w Section 7(i)a(ii) of EC Act, 1955 against the petitioner and others, for quashing which, this petition has been filed.

2.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor.

3.Today, Mr.M.Selvaraj, HC 17182, CSCID is present before this Court.

4.It is the case of the prosecution that this petitioner was working as Packer in Triplicane Urban Cooperative Stores Ltd. and was serving in Velachery, Branch No.13, Fair Price Shop and during surprise inspection, the authorities found a shortfall of Rs.19,635/- in the Fair Price Shop. Hence, the complaint and the FIR.

5.Learned counsel for the petitioner submitted that the petitioner has paid the shortfall amount and therefore, the prosecution could be quashed.

6.In the opinion of this Court, just because the misappropriated amount has been repaid, the same cannot be a reason to quash the prosecution.

7.Learned Additional Public Prosecutor submitted that investigation has been completed and Charge Sheet is ready.

8.Recording the submission, this Court directs the respondent Police to file the Final Report within three months from the date of receipt of a copy of this order.

With the above direction, this petition is closed. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1.The Inspector of Police,
Commercial Crime Investigation Wing,
Chennai-52.

2.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.J.Muthukumaran, Advocate Sr.No.74134

CSL/12.11.2018

CRL.OP.No.8040 of 2018