

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.06.2018

CORAM:

THE HON'BLE MR. JUSTICE P.N. PRAKASH

Crl.O.P. No.2706 of 2018
and Crl.M.P.No.1108 of 2018

S.Padmanabhan

.. Petitioner

vs.

State represented by
Inspector of Police
Commercial Crime Investigation Wing
Chennai 600 052.

... Respondent

Criminal Original Petition filed under Section 482, Cr.P.C.
to call for the records and quash the FIR registered in
Cr.No.674 of 2011 by the respondent police.

For petitioner Mr.J.Muthukumaran

For Respondent Mr.C.Raghavan
Government Advocate [Crl.Side]

ORDER

This Criminal Original Petition has been filed to call for
the records and quash the FIR registered in Cr.No.674 of 2011 by
the respondent police.

2. On the complaint lodged by Banumathi, Deputy Registrar,
Co-operative, the respondent police have registered a case in
Cr.No.64 of 2011 on 25.01.2011 under Section 6(2)(3) of the
Tamil Nadu Scheduled Commodities (Regulation of Distribution of
Card System) Order, 1982 r/w 7(i)(a)(ii) of the Essential
Commodities Act, 1955, for quashing which, this petition has
been filed.

3. Learned counsel for the petitioner submitted that in
respect of the allegations that are said to have taken place in
the year 2010, an FIR was registered in the year 2011 and till
2018, there has not been any progress in the investigation.

4. Today, Mr.V.Padmakumar, HC 35163, CSCID, Chennai is
present before this Court.

5. Learned Government Advocate (Cr1.Side) submitted that the police have written letters to the authorities for submitting certain documents and those documents have not been received.

6. However, on a reading of the FIR, it is seen that, the petitioner was working as a Salesman in the fair price shop and that during inspection, shortages were found to a tune of Rs.8,106/-. Admittedly, when departmental proceedings were taken up, the petitioner paid the said sum. Of course, payment of the amount will not be a reason to quash the FIR. However, from 2010-2018, there is absolutely no progress in the investigation and the petitioner was not allowed to retire even though he attained the age of superannuation in the year 2016 and his terminal benefits have been withheld on the ground that a criminal case is pending.

7. Since there has not been any progress in the investigation so far and bearing in mind the fact that the alleged shortfall of Rs.8,106/- has also been repaid by the petitioner, this Court is of the view that interests of justice would be subserved if the petition is allowed and the FIR is quashed and accordingly, this petition is allowed and the prosecution in Cr.No.64 of 2011 is quashed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

gms

To

1.The Inspector of Police
Commercial Crime Investigation Wing
Chennai 600 052.

2.The Public Prosecutor
High Court, Chennai.

+ 1 cc to MR. J. Muthukumaran, Advocate Sr.39842

Cr1.O.P. No.2706 of 2018

SSI(CO)
EU(10/07/2018)