

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.08.2018

CORAM:

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

Crl.O.P. No.29214 of 2017 & Crl.M.P. No.16513 of 2017

R. Ramesh

...Petitioner /Accused

vs.

State represented by the Inspector of Police
C.S.C.I.D., Chennai Unit
Chennai 600 053
(Cr. No.438 of 2011)

...Respondent/Complainant

Criminal Original Petition filed under Section 482 Cr.P.C.
seeking to quash the FIR in Cr. No.438 of 2011 on the file of
the respondent police.

For petitioner Mr. J. Muthukumaran
For respondent Mr. C. Iyyappa Raj
Addl. Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking to
quash the FIR in Cr. No.438 of 2011 on the file of the
respondent police.

2 The petitioner was working as Salesman in a fair price
shop and during inspection by the authorities, a shortfall in
the stocks was noticed. Therefore, a case in Cr.No.438 of 2011
was registered on 03.06.2011 against the petitioner, for
quashing which, he has filed the present Criminal Original
Petition.

3 Heard the learned counsel for the petitioner and the
learned Additional Public Prosecutor appearing for the
respondent police.

4 The learned counsel for the petitioner placed reliance
on the order dated 22.06.2018 passed by this Court in Crl.O.P.
No.2706 of 2018, wherein, this Court has quashed the prosecution
as against the accused therein on similar grounds.

5 Today, Mr. V. Padmakumar, Head Constable, 35163, CS-CID, is present before this Court.

6 The allegation in the FIR is that there was a shortfall in stock of various commodities valued at Rs.10,244/- attributable to the petitioner. Admittedly, the petitioner has paid the amount to the Department vide receipt dated 25.01.2017. However, he has not been allowed to retire, because, apart from this case, there are other cases against the petitioner.

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.10,244/- has also been repaid by the petitioner, this Court is of the view that interests of justice would be subserved if the FIR in Cr. No.438 of 2011 is quashed against the petitioner.

8 Accordingly, the FIR in Cr. No.438 of 2011 is quashed against the petitioner and as a sequel, this Criminal Original Petition stands allowed. Connected Crl.M.P. is closed.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

To

1 The Inspector of Police
C.S.C.I.D., Chennai Unit
Chennai 600 053

2 The Public Prosecutor
Madras High Court
Chennai 600 104

+1cc to Mr.J.Muthukumar, Advocate, S.R.No.54548

Crl.O.P. No.29214 of 2017

RJ(CO)
GSP(21/08/2018)