

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.08.2018

CORAM:

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

CrI.O.P. No.29212 of 2017 & CrI.M.P. No.16511 of 2017

B. Arumugam

...Petitioner/ Accused

vs.

State represented by the Inspector of Police
Civil Supplies Crime Investigation Wing
Chennai Unit, Chennai 600 053
(Cr. No.7 of 2012)

...Respondent/Complainant

Criminal Original Petition filed under Section 482 Cr.P.C.
seeking to quash the FIR in Cr. No.7 of 2012 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.7 of 2012 on the file of the respondent
police.

2 On suspicion, the respondent police intercepted a Tata
Ace Van bearing Regn. No.TN 09 BH 8461, in which, 7 persons were
travelling. On checking the said van, the police recovered huge
haul of rice and other materials intended for distribution to
the public via ration shops. Therefore, a case in Cr. No.7 of
2012 was registered and investigation was taken up by the
police. The police arrested some of the accused and in their
confession statement, they have implicated the petitioner
herein, in view of which, the petitioner has not been allowed to
retire from service. Hence, the present Criminal Original
Petition seeking the aforesaid relief.

3 The learned counsel for the petitioner, placing
reliance on the following orders of this Court, submitted that
in the said cases, this Court has quashed the prosecution on the
ground that the police had not filed a charge sheet and on the

same parameters, the prosecution as against the petitioner should also be quashed.

- Order dated 12.07.2017 passed in Crl.O.P. No.7205 of 2017
- Order dated 14.03.2018 passed in Crl.O.P. No.6979 of 2018
- Order dated 22.06.2018 passed in Crl.O.P. No.2706 of 2018

4 Per contra, the learned Additional Public Prosecutor refuted the contentions.

5 On a reading of the orders relied on by the learned counsel for the petitioner, it is seen that in those matters, this Court had quashed the prosecution in the case of Salesmen who were implicated for shortfall of stocks in the ration shops on the ground that the investigation was not completed by the police. But, taking into consideration the magnitude of the offence involved herein, i.e., huge haul of rice, the yardstick applied in the aforesaid cases relied on by the learned counsel for the petitioner, cannot be pressed into service in the case at hand.

6 According to the learned counsel for the petitioner, apart from the confession statement of the co-accused, there is no other material as against the petitioner. If that is so, it is needless to state that the name of the petitioner shall not be included in the final report.

In fine, this Criminal Original Petition is closed with a direction to the respondent police to complete the investigation in Cr. No.7 of 2012 within a period of six months from the date of receipt of a copy of this order. Connected Crl.M.P. is closed.

Sd/-

सत्यमेव जयते
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

cad

To

1 The Inspector of Police
Civil Supplies Crime Investigation Wing
Chennai Unit, Chennai 600 053

2 The Public Prosecutor
Madras High Court
Chennai 600 104

+1cc to Mr.J.Muthukumaran, Advocate, S.R.No.54550

CrI.O.P. No.29212 of 2017

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



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