

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.29213 of 2017 & Crl.M.P. No.16512 of 2017
M. Devasundaram

...Petitioner /Accused

vs.

State, represented by the Inspector of Police
C.S.C.I.D. Chennai Unit
Chennai 600 053 (Cr. No.626 of 2011)

...Respondent/Complainant

Criminal Original Petition filed under Section 482 Cr.P.C.
seeking to quash the FIR in Cr. No.626 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.626 of 2011 on the file of the
respondent police.

2 On suspicion, the respondent police intercepted a mini
van bearing Registration No.TN 07 AV 0601 and on interception,
the driver fled away. The police seized a huge haul of PDS rice
intended for distribution to the public via ration shops.
Therefore, a case in Cr. No.626 of 2011 was registered and
investigation was taken up by the police. During the course of
investigation, this petitioner was arrested and has been
released on bail. 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 on the ground
that there is a delay in completing the investigation.

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.

P.N. PRAKASH, J.
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- Order dated 12.07.2017 passed in CrI.O.P. No.7205 of 2017
- Order dated 14.03.2018 passed in CrI.O.P. No.6979 of 2018
- Order dated 22.06.2018 passed in CrI.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, 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.626 of 2011 within a period of three months from the date of receipt of a copy of this order. Connected CrI.M.P. is closed.

Sd/-

सत्यमेव जयते
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

To

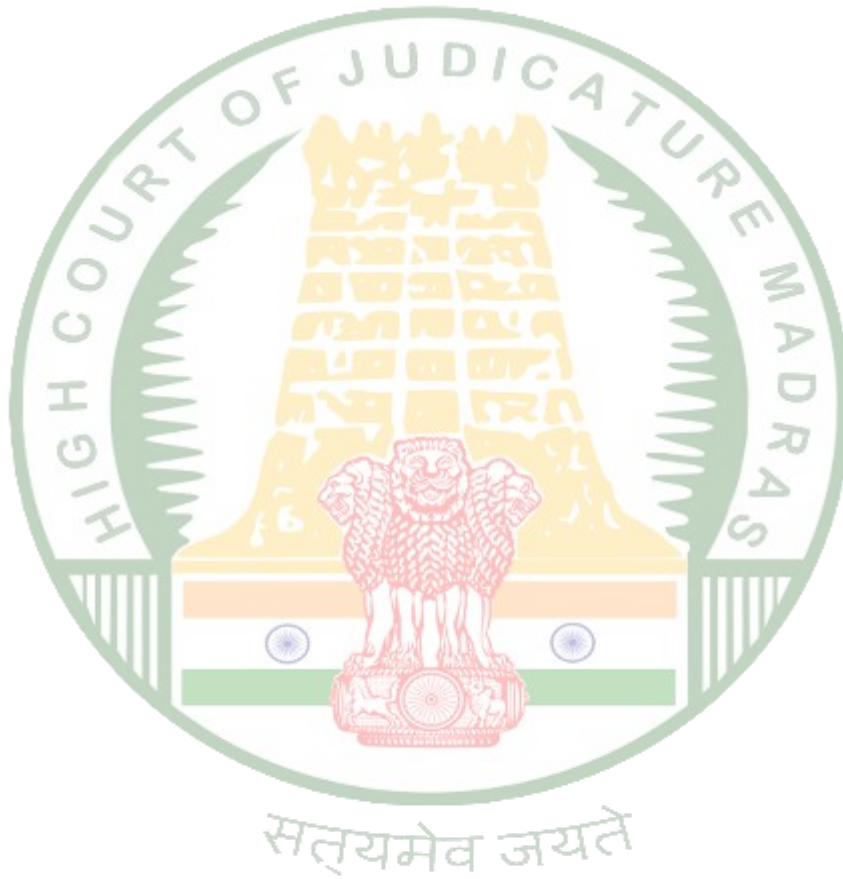
- 1 The Inspector of Police
C.S.C.I.D, Chennai Unit
Chennai 600 053

2 The Public Prosecutor
Madras High Court
Chennai 600 104

+1cc to Mr.J.Muthukumaran, Advocate, S.R.No.54549

Crl.O.P. No.29213 of 2017

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



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