

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.08.2018

CORAM:

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

Crl.O.P. Nos.29215 & 29216 of 2017 & Crl.M.P. Nos.16514 & 16515
of 2017

G. Manoharan

...Petitioner in Crl.O.P. No.29215 of 2017/accused

M. Murugesan

...Petitioner in Crl.O.P. No.29216 of 2017/Accused

vs.

State represented by the Inspector of Police
C.S.C.I.D, Chennai Unit
Chennai 600 053
(Cr. No.674 of 2011)

...Respondent in Crl.O.P. No.29215 of 2017/Complainant

State represented by the Inspector of Police
Commercial Crime Investigation Wing
Chennai
(Cr. No.674 of 2011)

... Respondent in Crl.O.P. No.29216 of 2017

Criminal Original Petitions filed under Section 482 Cr.P.C.
seeking to quash the FIR in Cr. No.674 of 2011 on the file of
the respondent police insofar as they relate to the petitioners
who are second accused and first accused respectively.

For petitioner
in both petitions

Mr. J. Muthukumaran

For respondent
in both petitions

Mr. C. Iyyappa Raj
Addl. Public Prosecutor

COMMON ORDER

These Criminal Original Petitions have been filed seeking to
quash the FIR in Cr. No.674 of 2011 on the file of the
respondent police, insofar as they relate to the petitioners,
who are second accused and first accused respectively.

2 On 22.12.2011, the respondent police intercepted a mini van bearing Registration No.TN 01 Z 3008, in which, three persons, including the petitioners, were travelling and seized a huge haul of PDS rice valued at Rs.1,01,186/- and arrested the petitioners, while the third person had fled away. During the course of investigation, it came to light that these petitioners were involved in the offence. Hence, the respondent police have registered a case in Cr. No.674 of 2011 on 22.12.2011 against the petitioners for offences under Section 6(4) of the TNSC (RDSC) order, 1982 and Section 7(1)(a)(ii) of the Essential Commodities Act, for quashing which, the petitioners are before this Court.

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

4 The learned counsel for the petitioners, 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 petitioners should also be quashed.

- 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

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

6 On a reading of the orders relied on by the learned counsel for the petitioners, 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 petitioners, cannot be pressed into service in the cases at hand. However, if it is found that there is no material as against the petitioners other than the confession of the co-accused, it is needless to state that further action against the petitioners should be dropped.

In fine, these Criminal Original Petitions are closed with a direction to the respondent police to complete the investigation in Cr. No.674 of 2011 within a period of six months from the

date of receipt of a copy of this order. Connected Crl.M.Ps. are 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 Inspector of Police,
Commercial Crime Investigation Wing
Chennai

3 The Public Prosecutor
Madras High Court
Chennai 600 104

+lcc to Mr.J.Muthukumaran, Advocate, S.R.No.54547

Crl.O.P. Nos.29215 & 29216 of 2017

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



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