

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.29217 of 2017 & Crl.M.P. No.16516 of 2017

C. Ramamirtham

..Petitioner/Accused

vs.

State represented by the Inspector of Police
CSCID Wing
Chennai Unit, Chennai 600 053
(Cr. No.300 of 2013)

...Respondent/Complainant

Criminal Original Petition filed under Section 482 Cr.P.C.
seeking to quash the FIR in Cr. No.300 of 2013 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.300 of 2013 on the file of the
respondent police.

2 On 07.10.2013, the officials of the Civil Supplies
Department conducted surprise inspection in the fair price shop,
wherein, this petitioner was working as Salesman and found a
shortfall in stocks to the tune of Rs.11,659.70. On the
complaint lodged by the Deputy Registrar, the respondent police
has registered a case in Cr. No.300 of 2013 on 07.10.2013
against Ramamirtham (A1) and Sekar (A2) for offences under the
TNSC (RDCS) Order, 1988 and Essential Commodities Act, 1955, for
quashing which, Ramamirtham (A1) is before this Court.

3 Heard the learned counsel for the petitioner and the
learned Additional Public Prosecutor appearing for the
respondent police. Mr. V. Padmakumar, HC 35163, CSCID is
present before this Court today.

4 The learned counsel for the petitioner, placing reliance on the following orders of this Court, submitted that the FIR in Cr. No.300 of 2013 is liable to 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 However, on a reading of the orders relied on by the learned counsel for the petitioner, it is seen that the FIRs in those cases were registered from 2008-2012 and only in those circumstances, this Court had quashed the FIRs impugned therein. But, in this case, the FIR has been registered only in the year 2013. In the opinion of this Court, though the petitioner has made good the shortfall, yet, she cannot be absolved from criminal liability.

Hence, this Criminal Original Petition is closed with a direction to the respondent police to complete the investigation in Cr. No.300 of 2013 within a period of three months from the date of receipt of a copy of this order and file either a closure report or a final report, as the case may be. Connected CrI.M.P. is closed.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

To

- 1 The Inspector of Police
CSCID 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.54545

CrI.O.P. No.29217 of 2017

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