

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.06.2018

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.O.P.No.14372 of 2018

and

Crl.M.P.No.7317 of 2018

1.Rajendran

2.M.Madhesh

.. Petitioners

Vs

The State rep.by its
Inspector of Police
Sooramangalam Police Station
Salem City.

.. Respondent

Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records culminated in Cr.No.344 of 2018 dated 23.03.2018, on the file of the respondent police and quash the same as illegal.

For Petitioners : Mr.K.Prabhakaran

For Respondent : Mr.C.Raghavan
Government Advocate (Crl.Side)

O R D E R

This petition has been filed to call for the records culminated in Cr.No.344 of 2018 dated 23.03.2018 on the file of the respondent police and quash the same as illegal.

2. During routine vehicle check up near Omalur, the respondent police intercepted a lorry bearing Registration No.TN-30-BJ-4254 and on checking the lorry, they found huge quantities of pan masala tobacco. Therefore, a case in Cr.No.344 of 2018 was registered on 23.03.2018 under Section 328 IPC, Section 7 of Cigarette and other Tobacco Products Act, 2003 and Section 59 of the Food Safety and Standards Act, 2006 against the driver and owner of the lorry, viz., Rajendran [A1] and Madhesh [A2] respectively, for quashing which, this application has been filed.

3. Learned counsel for the accused submitted that a prosecution under the Food Safety and Standards Act can be initiated only after complying with Section 42 of the Act. He also submitted that the FIR does not disclose commission of an offence under Section 328 IPC. He further submitted that the police have not included the names of the suppliers of the tobacco and have included only the lorry owner and the lorry driver.

4. In this case, during regular vehicle check, the police have intercepted the lorry and have seized the offending goods. At that time, the FIR can be registered only against the persons who are in the vehicle. FIR is not the encyclopaedia of the prosecution case.

5. As regards non-compliance of Section 42 of the Act the same can be taken into consideration only when a complaint or a charge sheet is filed before a competent Court. Since the FIR discloses commission of a cognizable offence, the same cannot be quashed at the threshold in the light of the judgment of the Supreme Court in State of Haryana and others vs. Bhajan Lal and others [1992 Supp (1) SCC 335].

Accordingly, this petition stands dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VII)

//True copy//

Sub Assistant Registrar

gms

To

1.The Inspector of Police
Sooramangalam Police Station
Salem City.

2.The Public Prosecutor,
High Court, Madras.

+2cc to Mr.R.Prabhakaran, Advocate SR.No.37325

Cr1.O.P.No.14372 of 2018

GN(28/06/2018)