

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.06.2018

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.O.P.No.15200 of 2018

C.Vijayan

.. Petitioner

Vs

State by
Inspector of Police
C.S.C.I.D.
Patravakkam
Ambattur, Chennai -53.

... Respondent

Criminal Original Petition filed under Section 482 Cr.P.C.to call for records and quash the First Information Report pending investigation in Cr.No.56 of 2010 on the file of Inspector of Police, C.S.C.I.D., Patravakkam, Ambattur, Chennai, as an abuse of process of law.

For Petitioner : Mr.C.V.Kumar

For Respondent : Mrs.Kritika Kamal, P.,
Government Advocate (Crl.Side)

O R D E R

This petition has been filed to call for records and quash the First Information Report pending investigation in Cr.No.56 of 2010 on the file of the Inspector of Police, C.S.C.I.D., Patravakkam, Ambattur, Chennai, as an abuse of process of law.

2. It is the case of the prosecution that on the complaint lodged by the Deputy Registrar, Tamil Nadu Civil Supplies Corporation, the respondent police have registered a case in Cr.No.56 of 2010 under Section 6(2)(3) of the TNSC (RDCS) Order 1988 r/w Section 7(1)(a) (2) of the Essential Commodities Act, 1955 against three accused, including the petitioner herein, who has been arrayed as A3.

3. In the complaint, it is alleged that this petitioner had diverted PDS items like rice, sugar, kerosene, wheat, maida, etc., by fabricating bills and had caused a loss of Rs.8,995/-.

4. Learned counsel for the petitioner submitted that the petitioner had made good the loss and had also been mulcted with penalty of Rs.5,000/-.

5. The respondent police have filed a counter, wherein, they have stated as follows:

"7. I submit that in order to complete the investigation, the respondent has to do the following:

- more witnesses have to be examined.
- awaiting for documents from the authorities concerned.

Only after completion of the above, I will be able to proceed further and lay a final report in accordance with law. For the reasons stated above, the case is under investigation."

6. In view of the above, when there are prima facie materials in the FIR, the same cannot be quashed at the threshold. However, the respondent police are directed to complete the investigation in Cr.No.56 of 2010 and either file a closure report or a final report, as the case may be, within a period of three months from the date of receipt of a copy of this order.

With the above direction, this petition is closed.

gms

Sd/-

Assistant Registrar(CS VII)

//True copy//

Sub Assistant Registrar

To

1.Inspector of Police
C.S.C.I.D.Patravakkam
Ambattur, Chennai - 53.

2.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.C.V.Kumar, Advocate SR.No.38128

Cr1.O.P.No.15200 of 2018

GN(28/06/2018)