

SMT JUSTICE T. RAJANI

CRIMINAL PETITION Nos.9126, 9127, 9129, 9130, 9131
and 9132 of 2011

COMMON ORDER:

The criminal petitions are filed seeking for quash of the proceedings in Cr.Nos.71, 104, 44, 34, 94 and 37 of 2011, against the petitioner, who is A1, on the file of the respective police stations in Chittoor District. The offences alleged are under Sections 420 of the Indian Penal Code and Rule 23(A) of the Central Seed Rules, 1968 (for short 'the Rules').

2. Since the petitioner as well as the subject matter involved in these criminal petitions is one and the same, they are being taken up for disposal by this common order.

3. Heard the counsel for the petitioner and the learned Public Prosecutor, appearing for the respondents.

4. The counsel for the petitioner submits that as per Rule 23(A) of the Rules it is the farmer, who has to file a complaint.

5. Rule 23-A of the Rules reads as under:

"23-A. Action to be taken by the Seed Inspector if a complaint is lodged with him:-

(1) If farmer has lodged a complaint in writing that the failure of the crop is due to the defective quality of seeds of any notified kind or variety supplied to him, the Seed Inspector shall take in his possession the marks or labels, the seed containers and a sample of unused seeds to the extent possible from the complaint for establishing the source of supply of seeds and shall investigate the causes

of the failure of his crop by sending samples of the lot to the Seed Analyst for detailed analysis at the State Seed Testing Laboratory. He shall thereupon submit the report of his findings as soon as possible to the competent authority.

(2) In case, the Seed Inspector comes to the conclusion that the failure of the crop is due to the quality of seeds supplied to the farmer being less than the minimum standards notified by the Central Government, launch proceedings against the supplier for contravention of the provisions of the Act or these Rules.”

A reading of the said provision shows that it is only the procedure prescribed for the report lodged by the farmer. Even before Rule 23-A of the Rules was enacted on the Statute book, the complaints were being filed. Hence, it can be inferred that the *locus standi* for filing a complaint, was there for a person other than a farmer. The amendment would not remove the said *locus standi*.

6. The counsel for the petitioner submits that without following the procedure prescribed under the Rules, the cases were registered by the police and the complaint shows that there are several allegations made against the petitioner. It is stated that the terms of licence are violated by storing more quantity of seeds than the quantity permitted. The counsel submits that there is no quantity permitted in the licence.

7. The said contention, though is true, cannot be considered as the complaint reveals several facts, which have to be investigated. It is not as if the oral evidence pertaining to the offence of cheating cannot be relied upon. Hence, these are all the aspects, which have to be gone

into at the time of trial. Hence, this Court opines that these are not fit cases for quash of proceedings.

In the light of the above, the criminal petitions are dismissed. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

September 28, 2018
DSK

T. RAJANI, J

