

SMT. JUSTICE T. RAJANI

CRIMINAL PETITION No.5700 OF 2013

ORDER:

The present Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973, is filed by the petitioner - accused seeking to quash the proceedings in Calendar Case No.145 of 2012 on the file of the learned Judicial Magistrate of First Class, Pathapatnam, registered for the offence punishable under Section 7 of the Essential Commodities Act, 1955 read with Kerosene (restriction on Use and Fixation of Ceiling Price) Order, 1993.

2. Learned counsel for the petitioner submits that the Tahsildar, Pathapatnam has filed report before the Station House Officer, Pathapatnam Police Station requesting to register a criminal case against the dealer - M/s. Ch. Krishnamurthy Sons, for violations committed by the Firm, and that instead of registering the case against the said firm, the police registered the case against the petitioner herein, who is no way concerned with the firm. He also files the copy of partnership deed showing the names of the partners, among which, the name of this petitioner does not find place. He also further submits that without making the firm as a party, complaint against the partners is not sustainable.

3. Be that as it may, it is clear from the partnership deed that the petitioner herein is no way concerned with the aforesaid firm, against which the action was sought to be taken.

4. Hence, considering the above, this Court opines that it is a fit case to quash further proceedings and, accordingly, the present Criminal Petition is allowed, and further proceedings against the petitioner - accused in Calendar Case No.145 of 2012 on the file of the learned Judicial Magistrate of First Class, Pathapatnam, are hereby quashed.

Consequently, Miscellaneous Petitions, if any, pending in the present Criminal Petition stand dismissed.

November 26, 2018
Mgr

SMT. T. RAJANI, J

