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**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CRM-M-27857-2018 (O&M)
Date of decision: 26.09.2018**

**M/s Tara Chand Rice Mill ..... Petitioner**

**Versus**

**State of Haryana and another ..... Respondents**

**CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN**

Present: Mr. S.S.Sahu, Advocate
for the petitioner.

Mr. Yashwinder Singh, DAG, Haryana.

Mr. Saleem Ahmed, Advocate
for respondent No. 2-complainant.

Mr. Jitender Singh Kundu, Advocate
for respondents No. 3 to 6.

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**RAMENDRA JAIN, J. (ORAL)**

Through this petition under Section 482 Cr.P.C., prayer has been made for quashing FIR No. 745 dated 11.12.2014 under Section 406 of the IPC registered at Police Station Sadar, District Fatehabad (Annexure P-1) and all subsequent proceedings arising therefrom in view of the Govt. Policy dated 15.09.2015 issued vide letter No. RP-02-2015/28248 dated 15.09.2015 (Annexure P-10) by the Director General, Food and Supply Department, Haryana.

Briefly, the petitioner as a rice miller was entrusted paddy weighting 4998 tones for custom milling by Food and Supply Department, Haryana. The petitioner was required to return rice in the ratio of 67% i.e. 3349 metric tones. However, the petitioner delivered only 2269 metric tones i.e. Short by 1080 Metric tones.

Consequently, the Food and Supply Department, Haryana, through its officer-respondent No. 2, got registered said FIR under Section 406 IPC against the petitioner at Police Station Sadar, District Fatehabad.

In the meantime, the Directorate of Food and Supply Department, Government of Haryana issued a common circular dated 15.09.2015 (Annexure P-10) to all the rice millers, enabling them to deposit the entire due amount with compounding CCL interest along with penalty @ 10% by 31.03.2016. Short supply of the petitioner was valued at Rs. 3,97,35,286/-. The petitioner was supposed to deposit the same by 31.03.2016.

According to the reply of the State, the entire dues have been paid by the petitioner, but with delay inasmuch as some amount was paid after 31.03.2016.

Considering this aspect of the matter, at the most, the petitioner can be asked to pay reasonable interest for the delayed payment at the rate of 6% per annum, after due date, till the date of payment.

Since, the State Government itself had relaxed the policy of payment of the due amount, therefore, the impugned FIR against the petitioner is liable to be quashed.

Ordered accordingly.

The petitioner is directed to deposit the interest, if any, to the respondent-State, at the rate mentioned above on the delayed payments.

Disposed of, with the above directions and observations.

**26th September, 2018** **(RAMENDRA JAIN )**
**JUDGE**

*shabha*

*Whether speaking/reasoned* *Yes/No*

*Whether Reportable* *Yes/No*