

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.02.2019

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

CrI.O.P.No. 4664 of 2019

G.Menaka

... Petitioner/A3

Vs.

1. The State rep by
The Inspector of Police,
Civil Supplies CID,
Chennai.
Crime No.776 of 20101st Respondent/Complainant
2. Keppi Anitha,
Deputy Registrar,
Public Distribution System,
Triplicane,
Chennai - 600 005. ...2nd Respondent/Defacto Complainant

Prayer: Criminal Original Petition filed under section 482 of Criminal Procedure Code, to call for the records pertaining to the proceedings in Crime No.776 of 2010 on the file of Civil Supplies CID, Chennai Unit and quash the same.

For Petitioner : Mr.Krishnasamy Chinnasamy

For Respondents

For R1 : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

O R D E R

This petition has been filed to quash the FIR in Crime No.776 of 2010 on the file of Civil Supplies CID, Chennai Unit, registered for the offence under Sections 6(ii) and 6(iii) of TNSC (RDCS) Order 1982 r/w 7(i) a(ii) of Essential Commodities Act 1955, as against the petitioner.

2. The case of the prosecution is that the defacto complainant/ second respondent conducted enquiry from the month of September 2009 to January 2010 and verified the accounts of fair price shop, where the petitioner was working. The defacto complainant came to know that the petitioner and other two accused had misappropriated a sum of Rs.17,620/- as such a complaint has been lodged in Crime No.776 of 2010 for the offences punishable under Sections 6(ii) and 6(iii) of TNSC

(RDCS) Order 1982 r/w 7(i) a(ii) of Essential Commodities Act 1955.

3. The learned counsel appearing for the petitioner submitted that the petitioner was not involved in alleged crime and that she has been falsely implicated in this case. He further submitted that in view of the registration of the complaint against the petitioner, she had been placed under suspension from service. He further submitted that though the complaint came to be registered in the year 2010, the respondent police not yet filed the final report or charge sheet before the concerned Magistrate. Therefore, he prayed to quash the FIR.

4. The learned Additional Public Prosecutor would submit that the investigation is still pending. He further submitted that since the offence are under the Special Act and in view of the gravity of the offence, no leniency should be extended to the petitioner herein. The offences have been made pursuant to the enquiry report and therefore, the grounds raised by the petitioner are not tenable.

5. Heard Mr.Krishnasamy, learned counsel appearing for the petitioner and Mr.M.Mohamed Riyaz, learned Additional Public Prosecutor appearing for the first respondent.

6. It is seen from the records that there are three accused in this case and the petitioner is arraigned as A3. The allegations are that the petitioner along with two other accused had misappropriated the Fair Price shop's amount to the tune of Rs.17,620/-. Hence the present case has been registered in Crime No.776 of 2010 for the offences punishable under Sections 6(ii) and 6(iii) of TNSC (RDCS) Order 1982 r/w 7(i) a(ii) of Essential Commodities Act 1955, as against the petitioner and two others. The investigation is still pending and the respondent police did not file any final report or charge sheet as against the accused persons.

7. It is also seen that the petitioner was placed under suspension, in view of the pendency of the criminal proceedings. Further more, she had been anticipating the out come of the final report of the investigation for more than nine years. The inordinate delay in completing the investigation would have certainly caused serious prejudice to the petitioner herein. On this sole ground the petitioner would be entitled to succeed. In view of the latches on the part of the prosecution to complete the investigation within a reasonable time, this Court is of the view that no justification can be established, if the respondent herein is permitted to file a final report/charge sheet, at this belated stage.

8. In view of the above discussions, this Criminal Original Petition stands allowed and the FIR in Crime No.776 of 2010 on the file of the Civil Supplies CID, Chennai Unit, is hereby quashed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

rts

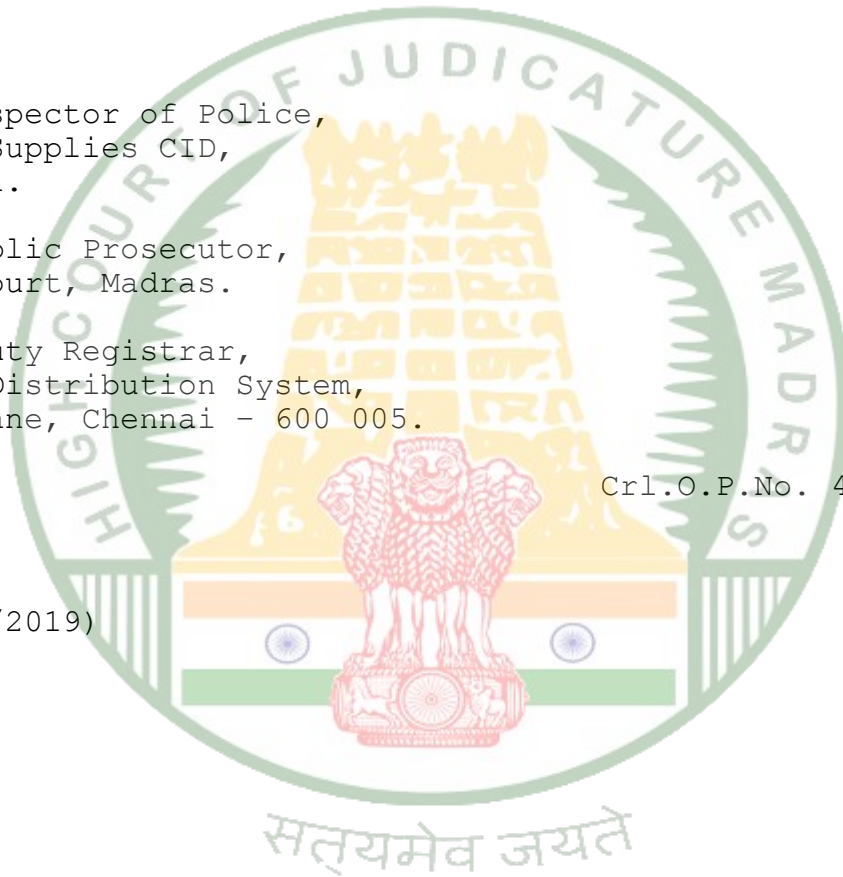
To

1. The Inspector of Police,
Civil Supplies CID,
Chennai.
2. The Public Prosecutor,
High Court, Madras.
3. The Deputy Registrar,
Public Distribution System,
Triplicane, Chennai - 600 005.

Crl.O.P.No. 4664 of 2019

SV (CO)

RRS (15/04/2019)



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