

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P.No.2523 of 2014 and
M.P.No.1 of 2014

V.Anbalagan

... Petitioner/Accused

Vs

Dharmapuri Market Committee,
Represented by the Head of Market/Supervisor,
Regulated Market Supervisor,
A.Tamilmani,
Pappireddipatti,
Dharmapuri District ... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482
Cr.P.C. praying to call for the records in S.T.C.No.691 of 2009,
pending on the file of Judicial Magistrate, Pappireddipatti and
quash the complaint.

For Petitioner : Mr.V.P.Sengottuvel
For Respondent : No Appearance

ORDER

This quash petition has been filed to quash the proceedings
in STC.No.691 of 2009 on the file of the learned Judicial
Magistrate, Pappireddipatti, having been taken cognizance for
the offences punishable under Section 48 (1) (a) of the Tamil
Nadu Agricultural Product Market (Regulation) Act, 1987 as
against the petitioner. सत्यमेव जयते

2. Heard the learned counsel for the petitioner.

3. It is seen that the respondent filed complaint alleging
non renewal of the licence for the period from assessment year
2009-2010 to the assessment year 2011-2012 and thereby the
petitioner committed offence under Section 48 (1) (a) of the
Tamil Nadu Agricultural Product Market (Regulation) Act, 1987.
Though the learned counsel for the petitioner raised so many
grounds in the petition, he urged the quash petition only on the
main ground that as per Section 58 (2) of the Tamil Nadu
Agricultural Product Market (Regulation) Act, only the Director
of Agricultural Marketing alone has power to authorise other

person to lodge complaint. In this case by order dated 25.09.2009, the Commissioner of Agricultural Marketing authorised the respondent to file a complaint against the petitioner for non renewal of the licence for the period from assessment year 2009-2010 to the assessment year 2011-2012.

4. Therefore, the respondent has no jurisdiction to lodge complaint without any authorisation from the Director of Agricultural Marketing to prosecute the petitioner for non renewal of licence for the period from assessment year 2009-2010 to the assessment year 2011-2012. Therefore the very complaint itself is not maintainable since the respondent without any locus lodged the present complaint and as such it is not sustainable.

5. In view of the above facts and circumstances of the case, the respondent filed a complaint without any authorisation by the Director of Agricultural Marketing. Therefore, the complaint cannot be sustained as against the petitioner.

6. Accordingly, this Criminal Original Petition is allowed and the proceedings in S.T.C.No.691 of 2009, pending on the file of the learned Judicial Magistrate, Pappireddipatti is quashed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(Insp.Cell)

//True Copy//

Sub Assistant Registrar

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To

The learned Judicial Magistrate,
Pappireddipatti

Copy To

The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.2523 of 2014 and
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SVI (CO)
CS/26/06/2019