

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P.No.2525 of 2014 and
M.P.No.1 of 2014

V.Anbalagan

... Petitioner

Vs.

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

... Respondent

PRAYER:

Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records in S.T.C.No.102 of 2011, 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.102 of 2011 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.

2. Heard the learned counsel for the petitioner.

3. It is seen that the respondent filed complaint alleging non filing of the returns for the period from 01.04.2007 to 31.03.2009 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 13.01.2011, the Commissioner of Agricultural Marketing authorised the respondent to file a complaint against the petitioner for non filing of the returns for the period from 01.04.2007 to 31.03.2009.

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 filing of the returns for the period from 01.04.2007 to 31.03.2009. 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.102 of 2011, 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

Cr1.O.P.No.2525 of 2014 and
M.P.No.1 of 2014

SVI (CO)
CS/26/06/2019