



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.10.2019

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.24739 of 2019

1.K.Saravanan  
2.K.Mahendran  
3.A.Settu

...Petitioners

Vs

1.The Inspector of Police,  
Civil Supplies CID,  
Vellore.

2.The Deputy Registrar of Co-Operative Societies,  
Public Distribution System,  
Vellore.

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, to call for the records of the First Information Report in Crime No.521 of 2009 dated 28.09.2009 on the file of the first respondent and quash the same.

For Petitioner : Mr.M.S.Palaniswamy

For Respondents: Saratha Devi.V

Government Advocate (Crl.Side)

O R D E R

The petitioners herein have been implicated in a criminal case in FIR.No.521 of 2009 based on the complaint dated 28.10.2009. Though the FIR came to be registered on 28.10.2009, the investigation has not been concluded till date and therefore, the present petition has been filed seeking for quashing the complaint.

2. The learned counsel for the petitioners submitted that in view of the delay in completing the investigation, the FIR itself is liable to be quashed, on the ground of lapse.

3. The learned Government Advocate (Criminal Side) appearing for the respondent submitted that in the year 2009 itself the investigation was completed and then the respondents/police had



filed a hand-written charge sheet before the learned Jurisdictional Magistrate and the same came to be returned. Owing to some reasons, the returned charge sheet could not be represented. An attempt was made in the year 2018 to file a fresh charge sheet to represent the charge sheet which was not successful.

4. It is not in dispute that the investigation in the FIR, which was registered in the year 2009, is still pending and that the charge sheet has not been laid till date, though more than 10 years have lapsed. It is also the case of the respondents/police that the investigation was completed in the year 2009 itself. However, no specific reasons have been adduced for non-filing of the charge sheet in time.

5. The petitioners herein have been implicated for the offences under Section 6(3) of TNSE (RTCS) order 1982 r/w 7(1) (i)(ii) of Essential Commodities Act, 1955 on the allegations that there was a deficit found by the flying squad. During the inspection of flying squad, there was a deficit found in stocks, in the fair price shop, in which the petitioner was working as a sales man. Even assuming that, if the respondents/police are granted an opportunity to file a final report after lapse of 10 years, I am unable to comprehend, as to how such a final report could be sustained before the trial Court, when the matter is 10 years old and the witnesses, who could be cited by the respondent police in the final report, may recollect the incident, after this huge and inordinate delay. It is needless to point out that such a delay in filing a charge sheet would inevitably lead to acquittal of the accused and hence, no useful purpose would be served, if the respondents/police are granted any further time to file a charge sheet.

6. In the absence of any specific reasons adduced by the respondents for the delay in failing to complete the investigation by filing a final report, this Court may not be justified in giving further opportunity to the respondents/police to complete the investigation, by taking into account the serious prejudice that may be caused to the petitioner herein, who are alleged to have involved in an offence that is said to be occurred in the year 2009.

7. In the light of the above observations, the FIR in Crime No.52 of 2009 dated 28.09.2009 on the file of the respondent is quashed. Accordingly, the Criminal Original Petition stands allowed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar



To

1. The Inspector of Police,  
Civil Supplies CID,  
Vellore.

2. The Deputy Registrar of Co-Operative Societies,  
Public Distribution System,  
Vellore.

3. The Public Prosecutor,  
High Court of Madras.

+1cc to Mr.M.S.Palaniswamy , Advocate SR.No. 90218

Crl.O.P.No.24739 of 2019

A.SK(20/12/2019)

A.SK(03/01/2020)