



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.04.2019

CORAM

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

Crl.O.P.(MD)No.4986 of 2019  
and

**Crl.M.P.(MD)Nos.3127 and 3128 of 2019**

Muthukannan

...Petitioner/Accused No.6

-Vs-

1.State Represented by  
The Inspector of Police,  
CS CID, Virudhunagar,  
(In Crime No.187 of 2015)

...1<sup>st</sup> Respondent/Complainant

2.Rajeshkannan

... 2<sup>nd</sup> Respondent / Defacto  
Complainant

**Prayer:** Criminal Original Petition filed under Section 482 Cr.P.C., praying, to call for the records pertaining to the charge sheet in C.C.No.114 of 2016 on the file of the Judicial Magistrate No.I, Virudhunagar and quash the same in respect of the petitioner as illegal.

For Petitioner : Mr.C.Mayil Vahana Rajendran

For R1 : Mr.A.P.G.OHM Chairma Prabhu,  
Government Advocate (Crl.Side).

### ORDER

The present petition is filed to quash the charge sheet in C.C.No.114 of 2016 on the file of the learned Judicial Magistrate No.I, Virudhunagar.

2.In this case, the petitioner is arrayed as 6<sup>th</sup> accused and faces charges under Sections 6(2)(3)(4) of TNSC (RDCS) Order, 1982 r/w 7(1)a(ii) of EC Act, 1955.

3.The learned counsel appearing for the petitioner submitted that the lorry carrying PDS rice is alleged to have been intercepted by the officials and on the basis of confession statement given by the driver of the lorry, the petitioner has been roped in. He added that the petitioner is proprietor of the rice mill and no PDS rice has been recovered from his mill.



4. In short, the learned counsel for the petitioner would submit that except confession statement given to the police officials, there is no independent material to implicate the petitioner in the offence.

5. Heard the learned Government Advocate (Crl.Side) appearing for the respondents. He concurred with the statement made by the petitioner.

6. This Court also verified the material papers and satisfied with the merit of the submissions. Hence, the charge sheet in C.C.No.114 of 2016 on the file of the learned Judicial Magistrate No.I, Virudhunagar is quashed only as regards the petitioner.

7. In the result, this Criminal Original Petition is allowed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS )

To:

1. The Judicial Magistrate No.I,  
Virudhunagar.

2. The Inspector of Police,  
CS CID, Virudhunagar.

3. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

+1 CC to Mr.A.BALAJI, Advocate SR-63098.

**Crl.O.P. (MD) No.4986 of 2019**  
**26.04.2019**

CS: (11/06/2019) 2P 4C