



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 27.02.2019

CORAM:

THE HONOURABLE MR.JUSTICE **N.SESHASAYEE**

Crl.O.P. (MD)No.10706 of 2018

and

Crl.M.P.Nos.4807 & 4808 of 2018

Aruna Devi

... Petitioner

Vs

1. State rep. By
The Inspector of Police,
C.S.CID, Madurai,
(Crime No.220 of 2016)

2. R.Jeeva ... Respondents

PRAYER: This Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the proceedings in C.C.No.26 of 2017 on the file of the Judicial Magistrate No.III (CCIW), Madurai and quash the same.

For Petitioner : M/s.K.Govindarajan for

Mr.S.Prem Kumar

For R1 : M/s.A.P.G.Ohm Chairma Prabhu
Government Advocate (Crl.Side)

For R2 : No Appearance

ORDER

The present petitioner arrayed as third accused in the case in Crime No.220/16 filed under Sections 6(2) (3) (4) of TNSC (RDCS) order 1982 r/w 7(1) (a) (ii) of EC Act 1955. The petitioner was not named in the FIR.

2. The learned counsel for the petitioner submitted that the essence of the allegations made in the FIR is that on 17.09.2016, the flying squad constituted of the second respondent and others, intercepted an auto rickshaw bearing Registration No.TN-69-T-0594, and found six bags, each containing 50 Kgs, of rice. On enquiry it was revealed that the concerned outlet for distributing ration article was given to one Abdul Hameed (A1) and as per the final report, A3 is stated to be working as the Manager in the Society and no specific overt act is directly attributed to A3 in the context of the offence, for which the investigation had taken place and the final report was laid.

3. Heard the learned counsel for the petitioner and the learned Government Advocate for the respondent police.

4. The learned Government Advocate (Crl.Side) specifically brought to the notice of this Court to some of the statements of the witnesses, wherein it refers as the petitioner herein is having connection to the offence as an accused.



5. This Court carefully perused the entire final report and the statement of the witness.

6. The statements in particular states that the first accused Abdul Hameed used to procure ration rice on the ration cards, of those card holders who did not purchase ration rice, and used to sell the same and making in the bargaining some profit for himself. He also stated to have shared the profit with the fourth accused and there is also reference to one Natarajan (A2), who used to purchase the ration rice that A1 procures. The role attributed to A3 was she used to take the empty sacks. He further stated that the third accused is only the Manager in the Society and she is in charge of the accounts, control over the stocks and to take back empty sacks.

7. The role of A3 as stated in the statement only discloses the official responsibility of the petitioner and does not go to state anything about her role in the offence complained of. Necessarily, this Court cannot hold that the materials produced by the investigating agency along with the final report qualify for framing any charge against the petitioner.

8. Accordingly, this criminal original petition is allowed and the proceedings in C.C.No.26 of 2017 on the file of the Judicial Magistrate No.III, (CCIW), Madurai is quashed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS III)

// True Copy //

Sub Assistant Registrar(CS)

To

1. The Judicial Magistrate No.III (CCIW),
Madurai.
2. The Inspector of Police,
C.S.CID, Madurai.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.S.PREM KUMAR, Advocate, SR.No. 50420

Cr1.O.P. (MD) No.10706 Of 2018

DSS/TA

KK/SAR/03.04.2019/ 2P- 5C