



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.06.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P (MD)No.4504 of 2020

WEB COPY

Rethinam Setti

... Petitioner/Sole Accused

Vs

The State rep. by

1. The Inspector of Police,

Sethubavachathiram,

Thanjavur District.

Crime No.29 of 2020

...1st Respondent/Complainant

2.Sumathra

...2nd Respondent/Defacto Complainant

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to call for the records pertaining to the case in Crime No.29 of 2020 on the file of the first respondent and quash the same.

For Petitioner : Mr.D.R.Murugesan

For R1

: Mr.A.Robinson

Government Advocate (Crl.side)

ORDER

Heard the learned counsel on either side.

2.The second respondent lodged a complaint before the first respondent alleging that she noticed a lorry bearing No.TN 29 AD2766, in which, about 256 bags of paddy were found and that she had some doubts regarding their genuineness. Therefore, Crime No.29 of 2020 was registered on the file of the Inspector of Police, Sethubavachathiram Police Station, for the offences under Section 420 of IPC and Section 7(1)(a)(ii) of Essential Commodities Act, 1955 on 23.02.2020. The petitioner has filed this petition for quashing the same.

3.The petitioner firmly states that he is an agriculturist based in Thiruvannamalai and that, he had brought the paddy for selling in Thanjavur as he was told that he would be able to get better price.

4.This Court took up this case on more than one occasion. This Court wanted the petitioner to produce proof that he is a genuine agriculturist. The petitioner has produced the proof before me that he is actually engaged in agriculture. There is absolutely nothing on record to indicate that there has been any violation in any of the provisions of the Essential Commodities Act. It is a matter of sadness that when the State must be encouraging farmer and agriculturists, they are being harassed in this fashion. The



petitioner had not smuggled any rice meant for Public Distribution System. It is his own paddy and he had brought it to Thanjavur and sold the same for getting better price. This cannot constitute crime or an offence by any standards. Therefore, the very registration of the FIR against the petitioner is quashed. It is accordingly allowed. The respondent is directed to return the vehicle as well as the paddy to the petitioner forthwith and without any delay on production of a soft copy of this order.

5.The petitioner through his counsel gives an undertaking that if his paddy is returned immediately, he would also give a quietus to the issue and will not take action against the respondent officials. The petitioner states that the vehicle in question was taken on hire by him. The same shall also be returned by the petitioner without any delay.

6.Recording the petitioner's undertaking to give a quietus to the issue, this Criminal Original Petition stands allowed with the aforesaid direction.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

rmi

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Inspector of Police,
Sethubavachathiram,
Thanjavur District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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