



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.02.2020

CORAM

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

Cr1.O.P.(MD)No.14397 Of 2016 and

CRL.M.P.(MD)NOS.6731 & 6732 of 2016

WEB COPY

1. T. Venkatachalapathy
2. P. Sivakumaravel

... Petitioners/Accused Nos.3 & 4

Vs.

The State of Tamilnadu,
Through Thiru S. Krishnamoorthy,
Assistant Director of Agriculture,
Aruppukottai,
Tamil nadu.

... Respondent/Complainant

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to call for the records relating to the proceedings in C.C.No.31 of 2009 on the file of the learned Judicial Magistrate, Aruppukottai and quash the same as devoid of merits as against the petitioners/accused Nos.3 and 4.

For Petitioners : Mr.M. Kannan

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O R D E R

This criminal original petition has been filed to quash the proceedings in C.C.No.31 of 2009 on the file of the Judicial Magistrate, Aruppukottai.

2. The petitioners are facing trial for the offences under Sections 3(k)(1) and 29(1) of the Insecticides Act, 1968. The petitioners have been shown as accused Nos.3 and 4. It is a private complaint instituted by the respondent. The petitioners' counsel pointed out that at the instance of accused No.2, the proceedings have been quashed as far as he is concerned in Cr1.O.P.(MD)No.6390 of 2009 vide order dated 30.03.2016. The ground for quashing is that the parties have been denied the opportunity to send the sample for reanalysis. Even the complaint came to be filed only after the shelf life of the insecticide got over.

3. The ground on which the case was quashed against the second accused is very much available for the petitioners also. The case on hand is squarely covered by the Judgment reported in 2016-1-L.W.(Cr1.) 690 (Yogesh Dutt V. The State of Tamilnadu through Thiru S.Krishnamoorthy, Aruppukottai). Therefore, the impugned proceedings stand quashed. The criminal original petition stands allowed.



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CRL.O.P.(MD).No.14397 of 2016

Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (crl.side)

// True Copy //

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Sub Assistant Registrar(CS)

pmu

To:

1. The Judicial Magistrate, Aruppukottai.

2.The State of Tamil Nadu, through
Thiru.S.Krishnamoorthy, Assistant Director of Agriculture,
Aruppukottai. Tamil Nadu.

+1 CC to M/s.M.KANNAN, Advocate (SR-9310[F] dated 28/02/2020)

Crl.O.P. (MD) No.14397 of 2016
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KB (08/06/2020) 2P 4C