

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.03.2021

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.4891 of 2021
and Crl.M.P No.2858 of 2021

M.Ganasekaran,
Son of Manickam

.. Petitioner

vs.

1. State represented by
The Inspector of Police,
Civil Suppliers C.I.D.
Chennai-600 053
(Crime No.1/2015)

2. Thiru.A.Subramanian
Deputy Registrar,
Public Distribution Department,
Triplicane-2,
Chennai-600 005.

.. Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records and quash the FIR in Cr.No.1/2015 on the file of the 1st respondent insofar as it relates to the 4th respondent/accused is concerned.

For Petitioner : Mr.J.Muthukumaran

For Respondents: Mr.C.Raghavan,
Government Advocate

ORDER

On consent given by either parties, the Criminal Original Petition itself is taken up for final hearing.

2. This petition has been filed seeking to quash the FIR in Cr.No.1 of 2015 pending investigation on the file of the first respondent.

3. Heard Mr.J.Muthukumaran, learned counsel for the petitioner and Mr.C.Raghavan, learned Government Advocate for the first respondent.

4. This Court had an occasion to consider a similar issue in Crl.O.P.No.25918 of 2018. The relevant portion of the order is extracted hereunder:

"3. The learned counsel for the petitioner brought to the notice of this Court, the earlier order passed by this Court, the earlier order passed by this Court, under similar circumstances, wherein this Court had quashed the FIR.

The relevant portion of the order is extracted hereunder:

"2. Based on an inspection conducted in the year 2010, the petitioner herein has been arrayed as an accused for having misappropriated a sum of Rs.21,903.85/-. Hence, FIR has been registered against him on 20.05.2010 for offences under Sections 6(ii) and 6(iii) of TNSC (RDCS), Order 1982 r/w.7(i) a (ii) of Essential Commodities Act, 1955.

7. I am unable to comprehend as to how the respondent police would be justified in keeping the investigation pending for a period of more than seven years. Apart from that, it is also seen that the petitioner was placed under suspension, in view of the pendency of the criminal proceedings. Furthermore, he had been anticipating the outcome of the final report of investigation for more than seven years. In the mean time, he also retired from his service. The inordinate delay in completing the investigation would have certainly caused serious prejudice to the petitioner herein. On this sole ground the petitioner would be entitled to succeed.

8. In view of the laches on the part of the prosecution to complete the investigation within a reasonable time, I am of the view that no justification can be established, if the respondents herein are permitted to file a final report/charge sheet, at this belated stage. Hence, the criminal original petition stands allowed. The proceedings in Crime No.291 of 2010, on the file of the Inspector of Police, Civil Supplies CID, Chennai, is hereby quashed. Consequently, connected miscellaneous petition is closed."

... ..

6. There is absolutely no justification on the part of the first respondent to have kept the FIR pending from the year 2012, without any progress. The petitioner has suffered enough due to the pending FIR and he has not been permitted to retire and all of his retirement benefits have been stalled. An inordinate delay in completing the investigation resulted in seriously affecting the rights of the petitioner. The

judgment that has been referred supra will squarely apply to the facts of the present case. There is no justification in keeping this FIR pending at this belated stage."

5. The present case is also squarely covered by the above order. It is almost six years, since the FIR was registered and there is absolutely no progress in the investigation. It is also seen that out of four accused persons, two of them have already died. The petitioner is going to retire on 31.05.2021. This FIR would come in the way of the petitioner from getting his retirement benefits. The inordinate delay in completing the investigation has resulted in seriously affecting the rights of the petitioner. No useful purpose would be served in keeping the FIR pending.

6. In the result, the FIR in Cr.No.1 of 2015 pending on the file of the first respondent is hereby quashed and this Criminal Original Petition is allowed accordingly. Consequently, connected miscellaneous petition is closed.

s/d-
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

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To

1. The Inspector of Police,
Civil Suppliers C.I.D.
Chennai-600 053
(Crime No.1/2015)

2. The Deputy Registrar,
Public Distribution Department,
Triplicane-2,
Chennai-600 005.

3. The Public Prosecutor,
High Court, Madras.

+1 CC to Mr.J. Muthukumaran, Advocate sr 18852.

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and Cr1.M.P No.2858 of 2021

GPL(CO)
SP(20/05/2021)