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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.08.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.13106 of 2021 and
CRL.M.P.No.7211 of 2021

C.Sekaran

... Petitioner

Versus

1. State represented by,
Inspector of Police,
CSCID,
Salem District.

2. S.Ponnraj

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records and quash the proceedings as against the petitioner in Crime No.364 of 2012, pending on the file of the CSCID, Salem and quash the same by allowing this Criminal Original Petition.

For Petitioner : Mr.M.Mohamed Riyaz

For R1 : Mr.A.Damodaran,
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed to quash the FIR in Crime No.364 of 2012, dated 17.10.2012 on the file of the 1st respondent Police.

2.The learned counsel for the petitioner submitted that the above case has been registered against the petitioner for statistical purpose. The FIR has been registered in the year 2012, sofar no fruitful investigation has been done. The learned counsel further submitted that the petitioner was not present at the time of occurrence and he was roped in this case only on the confession of the co-accused as though the petitioner travelled in the vehicle viz., TVS 50 bearing registration No.TN 27 Y 4876 and carrying on bag containing 30 packets of palm oil from the Fair Price Shop and intended to be sold in the open market. The learned counsel further submitted



that the petitioner is the salesman of the Fair Price Shop and the said vehicle TVS 50 belongs to the petitioner. Hence, he presumed to be involved in the case. The entire case proceeded on the confession given by the co-accused. It is to be seen that the petitioner was not in the scene of occurrence and the other accused used the vehicle of the petitioner for commission of offence. While this being so, the petitioner gave his vehicle for commission of offence is only to somehow implicate him in the above case. The total value of the palm oil seized is only for Rs.750/- Due to pendency of FIR, the petitioner's service condition is in limbo. On the ground of inordinate delay, this Court in similar circumstances in Crl.O.P.Nos.4982 of 2019 & 1069 of 2021 quashed the proceedings against the accused. Hence, he prayed for quashing of the FIR.

3.The learned Government Advocate (Crl. Side) appearing on behalf of the 1st respondent Police submitted that the petitioner was involved in the offence of smuggling of essential commodities and intended to be sold the same in black market for profit. He further submitted that the petitioner is the salesman in the Fair Price Shop. The petitioner along with two other accused Muthuraj (A2) and Thirupathi (A3) on 17.10.2012 were proceeding in TVS 50 vehicle carrying 30 packets of palm oil. On seeing the 1st respondent Police, the petitioner and two others attempted to escape from the scene of occurrence. A3 was caught hold and he gave confession about the involvement of the other accused. On his confession, the vehicle viz., TVS 50 bearing registration No.TN 27 Y 4876 as well as 30 packets of palm oil were recovered and seized. Now, the investigation is still pending.

4.This Court considered the rival submissions and perused the materials available on record.

5.The allegations against the petitioner are trivial in nature and the entire case proceeded on the confession of the co-accused. At the time of occurrence, no seizure or recovery has been made from the petitioner. In the present case, the FIR has been registered for offence under Section 6(4) of the Tamil Nadu Scheduled Commodities (Regulation of Distribution by Card System) Order 1982 r/w 7(1)a(ii) of the Essential Commodities Act, 1955 in the year 2012 and there has been absolutely no progress in the investigation and no final report has been filed till date. This inordinate delay will vitiate the entire investigation and no useful purpose will be served by keeping the investigation pending at this length of time.

6.In view of the lag on the part of the prosecution to complete the investigation within a reasonable time, this Court finds that no justification can be reached if the 1st respondent



Police is permitted to file a final report or charge sheet at this belated stage. Hence, this Criminal Original Petition is allowed and the FIR in Crime No.364 of 2012 on the file of the 1st respondent Police is hereby quashed. Consequently, the connected Criminal Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS VI)
//True Copy//

Sub Assistant Registrar

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To

1. The Inspector of Police,
CSCID,
Salem District.

2. The Public Prosecutor,
High Court, Madras.

+1CC to Mr.M.Mohamed Riyaz, Advocate, Sr.No.40937

CRL.O.P.No.13106 of 2021

SSI (CO)
K.RK. (17.09.2021)