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CrI.O.P.No.27929 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.11.2022

CORAM:

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CrI.O.P.No.27929 of 2022

and CrI.MP.No.17182 of 2022

Karthikeyan

... Petitioner

Vs.

State rep.by
Inspector of Police
Cuddalore Police Station,
CSCID Chennai - District
Crime No.209 of 2021
Respondent

...

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C.
praying to call for the records relating to Crime No.209 of 2021 on the
file of the Inspector of Police, Cuddalore Police Station, CSCID, Chennai
district and quash the FIR.

For Petitioner : Mr.T.Meganathan

For Respondent : Mr.S.Santhosh
Govt. Advocate (CrI. Side)



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ORDER

This criminal original petition has been filed to call for the records relating to Crime No.209 of 2021 on the file of the Inspector of Police, Cuddalore Police Station, CSCID, Chennai district and quash the FIR.

2. The case of the prosecution is that the respondent police conducted regular checkup at Vriddhachalam Town. At that juncture, the respondent got a secret information that unknown persons are having illegal possession of PDS rice at Periyakandiyakuppam Village. Therefore, based on the secret information, the respondent police conducted inspection in the petitioner's property on 28.10.2021 and found storage warehouse (godowns) having illegal possession of 145 gunny bags PDS rice each bags 50 Kg totally 7250 Kg PDS rice and 88 white bags whether each bags 50 Kg totally 4400 Kg of PDS wheat, where they arrested the third respondent and remanded him into judicial custody on the same day. Based on the confession statement of A3, the respondent police has registered the case as against the petitioner in Crime No.209 of 2021.

3. The learned counsel for the petitioner submitted that based on



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the confession of A3, the respondent has arrested the petitioner herein for the offences under Sections 6(4) of TN Scheduled Commodities (RDCS) order, 1982 and R/w under Section 7(1) (a) (ii) of Essential Commodities Act, 1955 in Crime No.209 of 2021 on 28.10.2021. This petitioner has been falsely implicated in this case at the instigation of some political person and he is no way connected with the case. Hence he prays to quash the FIR.

4. The learned Government Advocate (Crl.side) submitted that the case is under investigation and hence opposed for allowing this petition.

5. Heard both sides and perused the materials available on record.

6. On perusal of the FIR, it reveals that there is a prima facie allegation made in the FIR that the petitioner along with others stored goods, belonging to the Ration shop at Periyakandiyakuppam Village. Whether this petitioner involved in the crime or not has to be investigated and the investigation is at the beginning stage. It is inappropriate to quash the FIR at the beginning stage. Therefore, it does not meet the



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parameters laid down by the Supreme Court in *State of Haryana vs. Ch.BhajanLal* (AIR 1992 SC 604), *M/s Neeharika Infrastructure Pvt. Ltd. Vs. State of Maharashtra and others* (2021 SCC online 315) & *PRATIBHA RANI Vs.SURAJ KUMAR & ANR* (1985 Crl.L.J.817), the matter has to be investigated to find out the truth. Therefore, it is inappropriate to quash the FIR and close the investigation at the beginning stage. Therefore, I find no merit and investigation has to be conducted to find out the truth.

7. Accordingly, the criminal original petition is dismissed. Consequently, connected miscellaneous petition is closed.

15.11.2022

Index:Yes/No
Speaking/Non speaking order
dpq



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V. SIVAGNANAM, J.

dpq

To

1. The Inspector of Police
Cuddalore Police Station,
CSCID Chennai - District
2. The Public Prosecutor,
High Court of Madras.

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15.11.2022