



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.03.2022

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P(MD)No.6662 of 2020

P.Raja Mohamed

... Petitioner/Accused

Vs.

The State represented by
The Inspector of Police,
Budalur Police Station,
Thanjavur.
(Crime No.224 of 2020)

... Respondent/Complainant

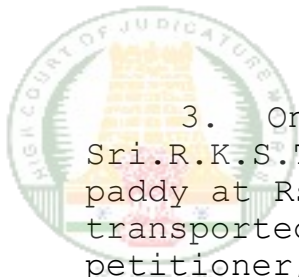
Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the records in Crime No.224 of 2020, on the file of Inspector of Police, Budalur Police Station, Thanjavur and to quash the same as against the petitioner.

For Petitioner : Mr.A.Raja Mohamed
For Respondent : Mr.B.Thanga Aravindh
Government Advocate (Criminal Side)

ORDER

This Criminal Original Petition has been filed to quash the FIR in Crime No.224 of 2020 on the file of Inspector of Police, Budalur Police Station, Thanjavur.

2. There are totally two accused, in which, the petitioner is arrayed as first accused. The case of the prosecution is that the Mr.M.Palanivel, Superintendent, Tamil Nadu Civil Supplies Corporation, Thanjavur has received information. Thereafter, while patrolling, he found that on 18.03.2020, lorry bearing Registration No.TN 23 AZ 8706 has brought 254 bags of AST 16 type paddy from Sri.R.K.S.Traders Paddy Rice & Rice Bran Wholesale Merchants, Arcot to the petitioners godown situated at No.1/59, Agraharam, Budalur, Thanjavur. Though the lorry was seized on 18.03.2020, FIR has been registered only on 09.04.2020, after 21 days from the date of information. There is absolutely no explanation for the belated registration of FIR by the respondent herein. Further, the petitioner had purchased the paddy on 16.02.2020 from the Vellore Virpanaikuzhu, Vellore and transported it illegally from Vellore to his godown.



3. On a perusal of Credit bill, dated 16.03.2020 from Sri.R.K.S.Traders, the petitioner purchased 94 bags of AST 16 type paddy at Rs.70,500/- (Rupees Seventy Thousand Five Hundred only) and transported to his godown. The only allegation is that the petitioner, being a merchant, he has not purchased the paddy directly from the farmers. There is absolutely no ingredients in the present complaint to attract the offence under Section 420 IPC. That apart, there is no complaint received from any farmer as required by the proviso and the petitioner never acted illegally while procuring the paddy.

4. The learned Government Advocate (Criminal Side) submitted that after registration of the First Information Report, the respondent police conducted an investigation and also filed a final report and the same is pending for taking cognizance before the jurisdictional Magistrate Court.

5. A perusal of the final report also revealed that the vehicle bearing Registration No.23 AZ 8706 loaded with 254 bags of AST 16 type paddy is brought to the petitioner's godown from Vellore. The charge itself assuming that the paddy bags were purchased from the farmers directly. Therefore, there is absolutely no offence is made out as against the petitioner and the entire proceedings is nothing but a clear abuse of process of law. It cannot sustained as against the petitioner. Therefore, the entire proceedings in pursuant to the said FIR is quashed.

6. Accordingly, this Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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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,
Budalur Police Station,
Thanjavur.

2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.A.RAJA MOHAMED, Advocate (SR-12596[F] dated 16/03/2022)
CrI.O.P(MD)No.6662 of 2020
14.03.2022

KG (CO)

GC (01.04.2022) 3P 4C