



CRL.O.P (MD) No.14159 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 05.08.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P (MD) No.14159 of 2022

and

CrI.M.P(MD)No.9102 of 2022

1.Iyappan @ Maharaj Iyappan
2. Nainar

... Petitioners

Vs.

1.State rep. by
The Inspector of Police,
CSCID Police Station
Tirunelveli

2. M.Saravana Bose
Sub Inspector of Police
CSCID Police Station
Tirunelveli

..Respondents

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the entire records pertaining to the impugned FIR in Crime.No. 217 of 2020 on the file of the Inspector of Police, CSCID, Tirunelveli / the 1st respondent herein, and quash the same as against the petitioners

For Petitioners : Mr.J.Parekh Kumar

For Respondents : Mr.M.Sakthikumar
No.1 Government Advocate (CrI.side)



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ORDER

This petition has been filed to quash the FIR in Crime.No. 217 of 2020 on the file of the first respondent police.

2.The learned counsel for the petitioners would submit that there are four accused in this case and the petitioners herein are arrayed as A3 and A4. The case came to be registered in Crime No.217 of 2020 on 02.12.2020 for the offences under Sections 6(4) and 7(1)(a)(ii) of Tamil Nadu Scheduled Commodities (RDCS) Order,1982 and Essential Commodities Act,1955. In the First Information Report they have stated that while seizing 130 bags (50kg bags of PDS rice in each bag) they were informed that it was sold by one Ramesh S/o.Ganesan, Chidambaram S/o.Esakki, Nainar S/o.Iyyappan and Arumugam S/o. Nainar and so far there is no evidence collected to show that the petitioners have stolen the rice, therefore no offence has been made out, hence he seeks to quash the First Information Report.

3.The learned Government Advocate (Crl.side) appearing for the respondent police would submit that in this case investigation is going on and the case was registered only on 02.12.2020 and further submitted that another case has also been registered against Nainar/second petitioner herein in Crime



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No.267 of 2021 for the similar offence, hence it is improper to quash the case before completing the investigation and prayed for dismissal of the same.

4. I have considered the matter in the light of the submissions made by the parties.

5. The case of the petitioner is that while the respondent police was seizing PDS rice of 6500kgs (in 130 bags each containing 50kgs) they were informed that one Ramesh S/o.Ganesan, Chidambaram S/o.Esakki, Nainar S/o.Iyyappan and Arumugam S/o. Nainar have stored the seized PDS rice at the back side of the house of one Alla Pitchai, Tippu Sulthan Street at Pathamadaai. Even though in the First Information Report it is stated that the seized rice bags were placed by some other accused, it has to be investigated, whether the petitioners have stored the rice in the said place. *Perse*, the respondent police seized the rice which belongs to the Government ration shop of quantity 6500 kgs and it is a cognizable offence committed by the accused persons and it has to be investigated to find out the truth. Therefore before completion of investigation, it is not proper to quash the proceedings pending as against the accused persons. Hence, the FIR need be quashed, since it does not satisfy the parameter laid down by the Hon'ble Supreme Court in the ***State of Haryana vs.Ch.Bhajan Lal*** reported in ***(AIR) 1992 SC 604***.



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6. Accordingly, this Criminal Original Petition is dismissed.

Consequently connected miscellaneous petition is closed.

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Index : Yes / No

Internet : Yes/No

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To

1. The Inspector of Police,
CSCID Police Station
Tirunelveli
2. Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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V.SIVAGNANAM, J.

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