



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.01.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P.(MD)No.18635 of 2021 and

CRL.M.P.(MD)No.10314 of 2021

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Ajith Kumar

... Petitioner / Accused No.1

Vs.

1. State rep. By,
The Sub Inspector of Police,
Tirunelveli police station,
Tirunelveli District.
(Crime No.189 of 2021) ... 1st Respondent / Complainant
2. M.Saravana Bose,
Sub Inspector of Police,
Tirunelveli police station,
Tirunelveli District. ... 2nd Respondent /
Defacto Complainant

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to the First Information Report in Crime No.189 of 2021 on the file of the first respondent and quash the same as illegal in so far as the petitioner is concerned.

For Petitioner : Mr.G.Anto Prince

For R-1 : Mr.B.Thanga Aravindh,
Government Advocate (Crl. Side).

* * *

O R D E R

Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the first respondent.

2. The petitioner is figuring as accused No.1 in Crime No.189 of 2021 registered on the file of the first respondent for the offences under Section 6(4) of Tamil Nadu Scheduled Commodities (RDSCS) Order, 1982 and Section 7(1)(a)(ii) of the Essential Commodities Act, 1955.

3. The case of the prosecution is that on 17.09.2021, the petitioner was found driving a Mahindra Pickup van bearing Registration No.TN74-T-0867. The vehicle contained PDS rice. The

<https://hcservices.ecourts.gov.in/hcservices/>



petitioner was arrested and he was in judicial custody for twelve days.

4. To quash the impugned First Information Report as far as he is concerned, this criminal original petition came to be filed.

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5. The learned counsel appearing for the petitioner states that the petitioner is aged hardly 20 years and that he is the first graduate in the family. Though the petitioner's condition appears to be pitiable, that may not be a ground for quashing the prosecution. I indicated that if the petitioner turns an approver, the Court will be inclined to pass an appropriate order in his favour. The matter was adjourned to enable the petitioner's counsel to get instructions.

6. Today when the matter was taken up for hearing, the petitioner's counsel submitted that the petitioner is willing to make a complete and total disclosure and turn an approver.

7. In view of the aforesaid submission, this criminal original petition is disposed of with the following directions:-

a) The petitioner is directed to file an application under Section 306 of Cr.P.C. before the jurisdictional Court.

b) The jurisdictional Court shall allow the application and permit the petitioner to turn an approver and tender pardon after stipulating the usual conditions.

c) The first respondent is directed to file final report within a period of three months from the date of receipt of a copy of this order. If the jurisdictional Court takes cognizance of the offences, the trial itself will be concluded within a period of four months, thereafter. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

PMU

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 Sub Inspector of Police,
Tirunelveli police station,
Tirunelveli District.

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

CrI.O.P.(MD)No.18635 of 2021
19.01.2022

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