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Crl.O.P.No.7678 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.04.2023

CORAM:

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.No.7678 of 2023

and

Crl.M.P.Nos.4911 and 4912 of 2023

Kishore Nagarur

... Petitioner

Vs.

1.Deputy Superintendent of Police,
Organized Crime Unit-II,
CBCID, Chennai.

2.Surjit K.Chaudhary I.A.S.,
Agriculture Production Commissioner and
Principal Secretary to Government,
Agriculture (AA7), Department,
Secretariat, Chennai - 600 009.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Code of Criminal Procedure, to call for records relating to the proceedings in C.C.No.10731 of 2010 on the file of the learned XI Metropolitan Magistrate, Saidapet, Chennai and to quash the same.

For Petitioner : Mr. V.I.Prashanth

For Respondents : Mr.S.Santhosh
Government Advocate (Crl.Side)



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ORDER

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This Criminal Original Petition has been filed seeking to quash the final report in C.C.No.10731 of 2010 on the file of the XI Metropolitan Magistrate, Saidapet, Chennai.

2.The allegation in the final report is that the 1st to 15th accused had entered into a conspiracy and pursuant to the conspiracy they had committed criminal breach of trust in respect of subsidized fertilizers by dishonestly disposing more than 3407 MTs. of MOP fertilizer in violation of the orders of the Government mentioned in Fertilizer Movement Control Order, 1973 and Fertilizer Control Order, 1985 and also caused monetary loss to the tune of Rs.4,00,00,000/- to the Government.

3.The learned counsel for the petitioner submitted that the petitioner is arrayed as A13 in the final report. He further submitted that the quash petitions filed by the other accused were allowed by this Court and the particulars of the same is tabulated hereunder:

Sl.No	Name of the Accused	Rank	Quash Petition in Crl.O.P.Nos.	Order Date
1.	A.Natarajan	1 st	27504/2010	05.09.2014
2.	B.Muralidharan	2 nd	27503/2010	05.09.2014



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Sl.No	Name of the Accused	Rank	Quash Petition in Crl.O.P.Nos.	Order Date
3.	Nadimuthu	3 rd	27503/2010	05.09.2014
4.	Subramanian	4 th	19148/2017	10.04.2019
5.	P.Kothandan	7 th	19148/2017	10.04.2019
6.	T.Natarajan	8 th	18266/2017	15.04.2019
7.	V.Palanisamy	9 th	19101/2017	14.03.2019
8.	Kandasamy	10 th	19101/2017	14.03.2019
9.	D.Somasundaran	11 th	6544/2013	26.07.2019
10.	Nageswaran	12 th	5975/2021	29.03.2021
11.	Rajamaarison	15 th	5975/2021	29.03.2021
12.	Rohinikumar	14 th	7088/2023	31.03.2023

4.This Court is of the considered view that, quashing of the proceedings as against the other accused persons will also enure to the benefit of the petitioner / A13 who is similarly placed. In view of the above, the proceedings in C.C.No.10731 of 2010 on the file of the learned XI Metropolitan Magistrate, Saidapet, Chennai, is quashed insofar as the petitioner / A13 is concerned and the Criminal Original Petition is allowed. Consequently, the connected miscellaneous petitions are closed.

11.04.2023

Index :Yes/No

Internet:Yes/No

Neutral Citation Case: Yes/No

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To

1. Deputy Superintendent of Police,
Organized Crime Unit-II,
CBCID, Chennai.
2. Surjit K. Chaudhary I.A.S.,
Agriculture Production Commissioner and
Principal Secretary to Government,
Agriculture (AA7), Department,
Secretariat, Chennai - 600 009.
3. The Public Prosecutor,
High Court of Madras.



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SUNDER MOHAN, J.

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