



Crl OP No.7209 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.03.2023

CORAM :

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No. 7209 of 2023

&

Crl. M.P.No. 4550 of 2023

R.Kasi

... Petitioner

Versus

1.State represented by
Inspector of Police
Civil Supplies C.I.D
Chennai – 600 052.

2.R. Ramesh

... Respondents

PRAYER : Criminal Original Petition has been filed under Section 482 of the Criminal Procedure Code, to call for the records and quash the FIR registered in Cr.No.222 of 2012 by the respondent Police in so far as it relates to the petitioner.



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Crl OP No.7209 of 2023

For Petitioner : Mr. J.Muthukumaran
For Respondent 1 : Mr. S.Santhosh
Government Advocate (Crl. Side)

ORDER

The petition is to quash the FIR for the offences under Section 6(2)(3) of TNSC (RDSC) Order 1982 read with Section 7 (i)a(ii) of the Essential Commodities Act, 1955. It is alleged that the petitioner was working as a packer in Triplicane Urban Cooperative Stores Ltd., and during inspection it was found that he had misappropriated money to the tune of Rs.24,801.29/-.

2. The learned counsel for the petitioner submitted that on registration of the FIR, the petitioner was placed under suspension on 21.11.2012. Thereafter, the petitioner had paid the entire amount and his suspension was revoked on 20.05.2013. The learned counsel would further submit that this Court had quashed the FIR as against the 1st accused since there was enormous delay in completing the



investigation.

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3. The learned Government Advocate (Crl. Side) confirms that the proceedings against the 1st accused was quashed by this Court in Crl.O.P.No.6979 of 2018 dated 14.03.2018.

4. This Court finds that the impugned FIR was registered on 21.11.2012. However, the respondents have not filed the final report till now. Even if the respondents are permitted to file final report at this belated stage, it would be barred by limitation. The respondents have no justification for the enormous delay in completing the investigation.

5. This Court while quashing the FIR as against the 1st accused had observed as follows:

“5. I am unable to comprehend as to how the respondent police would be justified in keeping the investigation pending for a period of more than seven



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Crl OP No.7209 of 2023

years. Apart from that, it is also seen that the petitioner was placed under suspension, in view of the pendency of the criminal proceedings. Furthermore, he had been anticipating the out come of the final report of investigation for more than seven years. In the mean time, he also retired from his service. The inordinate delay in completing the investigation would have certainly caused serious prejudice to the petitioner herein. On this sole ground the petitioner would be entitled to succeed.

6. In view of the laches on the part of the prosecution to complete the investigation within a reasonable time, I am of the view that no justification can be established, if the respondents herein are permitted to file a final report/charge sheet, at this belated stage. Hence, the criminal original petition stands allowed. The proceedings in Crime No.222 of 2012, on the file of the Inspector of Police, Civil Supplies



Crl OP No.7209 of 2023

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*CID, Chennai, is hereby quashed. Consequently
connected miscellaneous petition is closed.”*

6. The observation made by this Court while quashing the proceedings against the 1st accused squarely applies to the petitioner herein as well. Hence, this Court is inclined to quash the proceedings against the petitioner. Accordingly, the petition is allowed. Consequently, the miscellaneous petition is closed. No costs.

31.03.2023

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Index: Yes/No

Speaking Order / Non-Speaking Order

Neutral Citation: Yes / No



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Crl OP No.7209 of 2023

To

Inspector of Police
Civil Supplies C.I.D
Chennai – 600 052.



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Crl OP No.7209 of 2023

SUNDER MOHAN, J

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Crl.O.P.No. 7209 of 2023

31.03.2023