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Crl.O.P.No.7648 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.7648 of 2023

and

Crl.M.P.No.4878 of 2023

M.Joseph

... Petitioner

Vs.

The State rep. by
Inspector of Police,
Civil Supplies C.I.D.,
Chennai - 600 053.
(Crime No.1 of 2015)

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code to call for the records and quash the F.I.R. registered in Cr.No.1 of 2015 by the respondent Police in so far as it relates to the petitioner.

For Petitioner : Mr. J.Muthukumaran

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



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ORDER

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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.12,279.25.

2. The learned counsel for the petitioner submitted that on registration of the FIR, the petitioner was placed under suspension on 03.12.2014. Thereafter, the petitioner had paid the entire amount and his suspension was revoked on 18.06.2015. The learned counsel would further submit that this Court had quashed the FIR as against the 4th accused since there was enormous delay in completing the investigation.

3. The learned Government Advocate (Crl. Side) confirms that the proceedings against the 4th accused was quashed by this Court in Crl.O.P.No.4891 of 2021 dated 23.03.2021.



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4. This Court finds that the impugned FIR was registered on 01.01.2015. 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 4th accused had observed as follows:

"5. The present case is also squarely covered by the above order. It is almost six years, since the FIR was registered and there is absolutely no progress in the investigation. It is also seen that out of four accused persons, two of them have already died. The petitioner is going to retire on 31.05.2021. This FIR would come in the way of the petitioner from getting his retirement benefits. The inordinate delay in completing the investigation has resulted in seriously affecting the rights of the petitioner. No useful purpose would be served in keeping the FIR pending.

6. In the result, the FIR in Cr.No.1 of 2015 pending on the file of the first respondent is hereby quashed and this Criminal Original Petition is allowed



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accordingly. Consequently, connected miscellaneous petition is closed."

6. The observation made by this Court while quashing the proceedings against the 4th accused squarely applies to the petitioner herein as well. Hence, this Court is inclined to quash the F.I.R. against the petitioner. Accordingly, the petition is allowed. Consequently, the miscellaneous petition is closed.

11.04.2023

Index :Yes/No

Internet:Yes/No

Neutral Citation Case: Yes/No

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To
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1.The State rep. by
Inspector of Police,
Civil Supplies C.I.D.,
Chennai - 600 053.

2.The Public Prosecutor,
High Court of Madras.



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SUNDER MOHAN, J.

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