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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.08.2023

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.22783 of 2023
& Crl.O.P.No.6882 of 2023
and Crl.M.P.No.4322 of 2023

W.P.No.22783 of 2023

P.Shankar

.. Petitioner

Vs.

1.The State Rep. by
The Superintendent of Police,
CSCID Department,
Chennai Sub Division, Tiruvallur,
Chennai District.

2.The Deputy Superintendent of Police,
CSCID Department,
Chennai Sub Division, Tiruvallur,
Chennai District.

3.The Inspector of Police,
CSCID Department,
Chennai Sub Division,
Tiruvallur,
Chennai District.

..Respondents



Prayer: Writ Petition is filed under Article 226 of the Constitution of India, pleased to issue a Writ of Mandamus, forbearing the respondents from in any way interfering with the peaceful conduct of business activities of the petitioner's concern namely Sunshine Petro Products, No.373/12 B1, 373/7C, Tiruvallur Highway Road, Aerodrum, Nallur, Edapalayam, Red Hills, Chennai – 600 052.

Crl.O.P.No.6882 of 2023

1.P.Shankar

2.Nagappan

.. Petitioners

Vs.

The State Rep. by
The Deputy Superintendent of Police,
CSCID Department,
Chennai Sub Division, Tiruvallur,
Chennai District..

..Respondent

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in Crime No.34 of 2023 on the file of the respondent and quash the same.



In Both Petitions

For Petitioners : Mr.P.Saravana Sowmiyan
For Respondents : Mr.A.Damodaran
Additional Public Prosecutor

ORDER

The issue involved in both these cases are common and hence, they are taken up together, heard and disposed of through this common order.

2.Crl.O.P.No.6882 of 2023 has been filed to quash the FIR in Crime No.34 of 2023 pending investigation before the respondent.

3.W.P.No.22783 of 2023 has been filed for a direction to the respondent police not to interfere with the conduct of business by the petitioner.

4.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor.



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5. An information was received by the respondents on 14.02.2023 and based on the same, a team was formed and it conducted a search at Sunshine Wastage Oil Company at Edapalayam Village, Tiruvallur and on search it was found that three tanks having a capacity of 10,000 liters each were buried in the earth. Out of those three tanks, two were found empty and one tank contained black colored oil. The petitioners were questioned regarding the same and it is stated that the 2nd petitioner confessed that they have purchased the oil through illegal means and they reuse the same for mixing it with other chemicals and it is sold regularly. The entire oil tank was seized under mahazar. The case was registered in Crime No.34 of 2023 for offence under Section 3(1) of Solvent Refinate and Slop (Acquisition, Sale, Storage and Prevention of use in Automobiles) Orders, 2000 and Section 7 (1)(a)(ii) of Essential Commodities Act, 1955 14.02.2022. This FIR has been put to challenge in CrI.O.P.No.6882 of 2023 and the petitioner have also sought for a direction to the respondent police not to interfere with the business conducted by them.

6. The status report has been filed by the respondent and the relevant



portions in the status report are extracted hereunder:

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5.It is respectfully submitted that the samples seized in this case has been sent to Indian Oil Corporation, Korukkupet, Chennai on 13.02.2023 for chemical analysis through the Judicial Magistrate No.1, Thiruvallur.

6.It is respectfully submitted that on 11.04.2023 the General Manager, Indian Oil Corporation has sent analysis report of samples that “we conducted preliminary inspection of samples such a colour, appearance, density etc and found that the sample resemble Furnace Oil and as such no adulteration was detected. Thus the investigation has been completed.

7.It is clear from the above that the respondent has now ascertained that the oil that was sent for analysis was found to be not adulterated. In view of the same, the respondent has to proceed further to file the closure report before the concerned Court. As a result, there is no question of respondent interfering with the business conducted by the petitioners.



8.The criminal original petition & writ petition is disposed of accordingly.

Consequently, connected miscellaneous petition is closed. There shall be no order as to cost in W.P.No.22783 of 2023.

31.08.2023

Index : Yes/No

Internet : Yes/No

Neutral Citation : Yes/No

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To

1.The Superintendent of Police,
CSCID Department,
Chennai Sub Division, Tiruvallur,
Chennai District.

2.The Deputy Superintendent of Police,
CSCID Department,
Chennai Sub Division, Tiruvallur,
Chennai District.

3.The Inspector of Police,
CSCID Department,
Chennai Sub Division,
Tiruvallur,
Chennai District.

4.The Public Prosecutor



High Court of Madras, Madras.

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N.ANAND VENKATESH, J

SSR

W.P.No.22783 of 2023
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