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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.03.2023

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THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.25328 of 2019

And

Crl.M.P.Nos. 13537 & 13538 of 2019

S.Prabhu

... Petitioner/Accused

Vs

1. State represented by
Inspector of Police
Civil Supplies Crime Investigation Wing
Chennai Unit, Chennai – 600 053.
Crime No. 206/2017
 2. Thiru. K.Balasubramanian
Deputy Registrar
Public Distribution System
Triplicane Division-2
Chennai – 600 005.
- ...Respondents/Defacto
Complainants

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records of the respondent police relating to the charge sheet in C.C.No. 300 of 2018 dated 04.10.2017 on the file of the learned Judicial Magistrate No.1, Kancheepuram and quash the same.

For Petitioner : Mr. J.Muthukumaran



For 1st Respondent : Mr. A.Damodaran
Additional Public Prosecutor

For 2nd Respondent : No appearance

ORDER

This Petition has been filed to quash the final report for offences punishable under Sections 6(2)(3) of T.NSC (RDCS) Order 1982 read with 7(1)(ii) of EC Act 1955.

2. It is alleged in the final report that the petitioner was working as Sales Assistant in Alandur ration shop; that without recording the sales of essential commodities such as Rice, Sugar, Wheat, Thoor Dhal, Palmolion Oil etc., in the respective family ration card, he had sold commodities to third parties by preparing false bills to the tune of Rs.25,319.25 and hence, he was liable to pay a penalty of Rs.2,19,625/-.

3. The learned counsel for the petitioner would submit that the impugned final report imposing a penalty of Rs.2,19,625/- for the alleged false bills of Rs.25,319.25 is exorbitant and not in accordance with law. He would further submit that the allegations are false and the entries could not be made only because there was a huge crowd in the ration shop.



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4. The learned Additional Public Prosecutor appearing for the first respondent relying upon the counter filed by the first respondent would submit that the allegations in the final report constitute the offences alleged against the petitioner. Totally seven witnesses were cited by the first respondent in the final report. The case is now posted for examination of witnesses of LW-1 to LW-3 on 25.05.2023. He would further submit that the question as to whether the petitioner had not made the entry in the ration card with dishonest intention or because it was crowded is a matter for trial. Hence, he prayed for dismissal of the quash petition.

5. This Court finds that the impugned final report contains allegations that the petitioner had without making entries in the family ration cards had sold certain essential commodities to third parties by preparing false bills to the value of Rs.25,319.25. The points raised by the petitioner are factual in nature and has to be adjudicated only during trial. Hence, this Court is not inclined to entertain the quash petition.



6. In view of the same, this Criminal Original Petition is dismissed.

However, the appearance of the petitioner before the trial Court is dispensed with unless the learned Magistrate considers his appearance necessary for the progress of the trial. Consequently, CrI.M.P.No. 13538 of 2019 is allowed and CrI.M.P.No. 13537 of 2019 is closed.

23.03.2023

vsg

Index: Yes/No

Speaking Order / Non-Speaking Order

Neutral Citation: Yes / No

To

1. Judicial Magistrate No.1, Kancheepuram.
2. The Inspector of Police
Civil Supplies Crime Investigation Wing
Chennai Unit, Chennai – 600 053.
Crime No. 206/2017
3. Thiru. K.Balasubramanian
Deputy Registrar
Public Distribution System
Triplicane Division-2, Chennai – 600 005.
4. The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN. J.

vsg

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