



Crl.OP.(MD).No.6817 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :12.10.2023.

CORAM

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

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and

Crl.M.P.(MD).No.3394 of 2020

Senguttuvan

... Petitioner

Vs.

1.The State rep through,
The Special Sub Inspector of Police,
Bhoodhalur Police Station,
Thanjavur District.
(Crime No.223 of 2020)

2.Baskaran

... Respondents

PRAYER: Petition filed under Section 482 of the Criminal Procedure Code, to call for the records pertaining to the impugned FIR made in Crime No. 223 of 2020, on the file of the first respondent and quash the same.

For Petitioner	: P.R.Prithiviraj
For Respondents	: Mr.P.Kottaichamy
	Government Advocate (Crl.Side)
	for R1
	: No appearance for R2



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ORDER

This criminal original petition has been filed as against the impugned FIR made in Crime No.223 of 2020, on the file of the first respondent.

2.The case of the prosecution is that while the second respondent was on patrol duty on 17.03.2020, it was found that a lorry bearing Registration No. TN 46 D 6801, was carrying 82 bags of paddy each containing 72 Kgs and the petitioner tried to sell the above said paddy bags at the Bhoodhalur Direct Purchase Center. Hence, the second respondent Police registered a case in Crime No.223 of 2020, for the offence under Section 420 of IPC, against the petitioner. To quash the FIR, the present petition has been filed.

3. The issue on hand is no longer *res integra*. A learned single Judge of this Court, by order dated 01.06.2020 made in CrI.O.P.(MD).No. 4504 of 2020, had held as follows:



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2.The second respondent lodged a complaint before the first respondent alleging that she noticed a lorry bearing No.TN. 29-AD-2766, in which, about 256 bags of paddy were found and that she had some doubts regarding their genuineness. Therefore, Crime No.29 of 2020 was registered on the file of the Inspector of Police, Sethubavachathiram Police Station, for the offence under Section 420 of IPC and Section 7(I)(a)(ii) of Essential Commodities Act, 1955 on 23.02.2020. The petitioner has filed this petition for quashing the same.

3.The petitioner firmly states that he is an agriculturist based in Thiruvannamalai and that, he had brought the paddy for selling in Thanjavur as he was told that he would be able to get better price.

4.This Court took up this case on more than one occasion. This Court wanted the petitioner to produce proof that he is a genuine agriculturist. The petitioner has produced the proof before me that he is actually engaged in agriculture. There is absolutely nothing on record to indicate that there has been any violation in any of the provisions of the Essential Commodities Act. It is a matter of sadness that when the State must be encouraging farmer and agriculturists, they are being harassed in this fashion. The petitioner had not smuggled any rice meant for



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Public Distribution System. It is his own paddy and he had brought it to Thanjavur and sold the same for getting better price. This cannot constitute crime or an offence by any standards. Therefore, the very registration of the FIR against the petitioner is quashed. It is accordingly allowed. The respondent is directed to return the vehicle as well as the paddy to the petitioner forthwith and without any delay on production of a soft copy of this order.

5.The petitioner through his counsel gives an undertaking that if his paddy is returned immediately, he would also give a quietus to the issue and will not take action against the respondent officials. The petitioner states that the vehicle in question was taken on hire by him. The same shall also be return by the petitioner without any delay.

6.Recording the petitioner's undertaking to give a quietus to the issue,this Criminal Original petition stands allowed with the aforesaid direction."

4. It is seen that this criminal original petition is squarely covered by the above said decision.



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5. Accordingly, this criminal original petition stands allowed and the impugned FIR in Crime No.223 of 2020, on the file of the first respondent, as against the petitioner is quashed. Consequently, connected miscellaneous petition is closed.

12.10.2023

NCC :Yes/No
Index :Yes/No
Internet :Yes/No
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