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Crl.OP.No.4544 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.07.2024

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THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.OP.No.4544 of 2023

K.Marimuthu

... Petitioner

Vs.

1. State by rep
The Inspector of Police,
Civil Supplies,
Crime Investigating Department,
Thiruvallur District.
(Crime No.148/2013).

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records and quash the FIR in Crime No.148 of 2013, dated 15.06.2013, on the file of the respondent police.

For Petitioner : Mr.S.John Josh

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

ORDER

This Criminal Original Petition is filed to quash the complaint in Cr.No.148 of 2013, dated 15.06.2013 for offences under Section 6(4) of TNSC (RDCS) Order 1982 r/w 7(1) a(ii) of EC Act, 1955.



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2. The short point canvassed in the quash petition is that the complaint registered for alleged possession of 3000 Kg of PDS rice illegally transported in TATA Benz lorry. The case was registered by Prakash, Inspector of Police attached to Civil Supplies CID. Even after lapse of 11 years, the final report not been filed. The petitioner herein is the salesman in the PDS shop. Based on the confession statement given by the lorry driver, in which PDS rice was transported, the petitioner been arrayed as one of the accused.

3. When the matter came up for admission on 01.03.2023, this Court directed the Government Advocate to file status report about the case. Again the case was taken up for consideration today. The learned Government Advocate submits that the final report was filed yesterday before the Judicial Magistrate No.I, Thiruvallur. Further the Government Advocate states that the final report was made ready as early as 27.08.2013. However, due to inadvertence the final report was not filed, this Court unable to countenance said explanation of the petitioner herein. In view of the registration of the criminal complaint, the petitioner had suffered departmental action and later he was found not guilty. All these 11 years, the police has not taken any interest in completing the



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investigation and filing the final report and only after filing of this petition, they have filed the final report through e-filing with inordinate unexplained delay.

4. This Court is of the view that to meet the ends of justice, this case to be quashed, on ground of laches, accordingly, this petition is allowed.

08.07.2024

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To

1. The Inspector of Police,
Civil Supplies,
Crime Investigating Department,
Thiruvallur District.

2. The Public Prosecutor,
High Court of Madras, Chennai.



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Dr.G.JAYACHANDRAN,J.

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