



Crl.O.P.No.7685 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.01.2024

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.7685 of 2022
and
Crl.M.P.Nos.4403 & 4404 of 2022

Madhu @ Maneswararao

... Petitioner

Vs.

1. State by
Inspector of Police,
Cyber Crime Cell, CCB,
Vepery, Chennai.
(Crime No.164 of 2010)
2. E.Subramanian,
President
Anti-Corruption Movement,
106, GST Road, Chenglepet.

.. Respondents

PRAYER : Criminal Original Petition filed under Sec.482 of Criminal Procedure Code, to call for the records in C.C.No. 468 of 2017 pending trial on the file of learned Judicial Magistrate Court at Alandur and quash the same.



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For Petitioner : Mr.M.Jaikumar

For Respondents : Mr. S.Vinoth Kumar
Govt. Advocate (Crl. Side) for R1

ORDER

This Criminal Original Petition has been filed seeking to quash the criminal case in C.C.No. 468 of 2017 on the file of learned Judicial Magistrate, Alandur.

2. Heard both sides.

3. The petitioner herein the 2nd accused in Crime No. 164 of 2010 based on the complaint given by 2nd respondent for an offence under Sec.267 and 420 I.P.C.

4. The learned counsel for petitioner would submit that already this court by an order dated 24.04.2023 quashed the proceedings against A1 and A3. By relying the said order, the learned counsel would submit that



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petitioner is a B.Com. graduate, having no technical experience nor illegally helped A1 along with A3. However, there is no averment as against this petitioner to infer any cheating or fraudulent act in manipulating the programming of electronic weighing machine. Hence, he has been falsely implicated in the criminal case for an offence under 267 and 420 of I.P.C. and prayed to quash the proceedings.

5. On perusal of the ratio laid down by this court in ***Crl.O.P.No. 21450 of 2019 and Crl.O.P.No. 6401 of 2020, dated 24.04.2023***, this court held as follows :-

“7. Further this court finds that Section 51 of the Legal Metrology Act, 2009 specifically states that the provisions of Indian Penal Code and Criminal Procedure Code shall not apply in relation to offences with regard to weight or measure. Sec. 51 of the Legal Metrology Act, 2009 reads as follows :-

51. Provisions of Indian Penal Code and Code of Criminal Procedure not to apply – The provisions of



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the Indian Penal Code (45 of 1860) and section 153 of Code of Criminal Procedure, 1973 (2 of 1974) in so far as such provisions relate to offences with regard to weight or measure, shall not apply to any offence, which is punishable under this Act.”

8. The alleged act of selling the machines knowing that it would be misused by the traders is an offence under Sec.26 of the Legal Metrology Act. In view of the specific provision under the Legal Metrology Act, 2009, which deals with the acts alleged against the petitioners and in the absence of the necessary ingredients to attract the offence under Sec.420 of I.P.C. as stated earlier, this Court is inclined to quash the impugned proceedings filed for the offences under Sec.267 and 420 of I.P.C. Hence, quashed.”

Hence, as per the ratio laid down in the above referred authority, in the absence of necessary ingredients to attract the offence under Sec.420 I.P.C., the proceedings initiated against this petitioner is liable to be



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quashed. Accordingly, this Criminal Original Petition is allowed and the proceedings pertaining to the criminal case in C.C.No.468 of 2017 pending on the file of learned Judicial Magistrate, Alandur is quashed. Consequently, the connected Criminal Miscellaneous Petitions are closed.

08.01.2024

Index : Yes / No
Internet : Yes / No
Speaking/Non-speaking order
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To

1. Inspector of Police,
Cyber Crime Cell, CCB,
Vepery, Chennai.
2. The Public Prosecutor,
High Court, Madras.



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T.V.THAMILSELVI, J.

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