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CrI.O.P.No.7511 of 2024

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 28.03.2024**

**CORAM**

**THE HONOURABLE MR JUSTICE N.ANAND VENKATESH**

**CrI.O.P.No.7511 of 2024**  
**and CrI MP No.5447 of 2024**

S.Periyanayagam

.. Petitioner

Vs.

1. The Inspector of Police,  
Civil Supply CID,  
Coimbatore District

2. Mr.K.Jayakumar

..Respondents

**PRAYER :** The Criminal Original Petition filed under Section 482 of Cr.P.C. to call for the records in Crime No.213 of 2010 dated 21.04.2010 pending on the file of 1<sup>st</sup> respondent and quash the same.

For Petitioner : Mr.SP Vijay Nivas

For Respondent No.1 : Mr.A.Damodaran  
Additional Public Prosecutor



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## **ORDER**

This Criminal original petition has been filed challenging the FIR registered in Crime No.213 of 2010 dated 21.04.2010 pending on the file of 1<sup>st</sup> respondent.

2. The case of the prosecution is that the petitioner, who was working as a salesman was found to have committed irregularities and thereby had sold 2396 Kgs of PDS rice and 202 Kgs of Sugar in the market illegally. Based on this complaint, the FIR came to be registered in the year 2010.

3. It is brought to the notice of this Court that parallely disciplinary proceedings were initiated against the petitioner and ultimately after enquiry, the Deputy Registrar, Coonoor, through communication dated 06.09.2008 made to the Special Officer, informed that none of the charges against the petitioner has been proved.



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4. In the considered view of this Court when the disciplinary proceedings itself has been closed as not proved, no useful purpose will be served in keeping the FIR pending. This is in view of the fact that in a criminal case, proof beyond reasonable doubt alone is accepted and whereas in disciplinary proceedings, it is only preponderance of probabilities.

5. In view of the above, there shall be a direction to the 1<sup>st</sup> respondent to verify as to whether the disciplinary proceedings against the petitioner has been closed. If so, the FIR in Crime No.213 of 2010 shall also be closed as mistake of fact and the report shall be filed before the concerned Jurisdictional Magistrate Court. This process shall be completed by the 1<sup>st</sup> respondent within a period of six weeks from the date of receipt of a copy of this order.

6. This Criminal Original Petition is disposed of in the above terms.



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**28.03.2024**

Index : Yes/No

Internet : Yes/No

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**N.ANAND VENKATESH, J.**

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To

1. The Inspector of Police,  
Civil Supply CID,  
Coimbatore District

2.The Public Prosecutor,  
High Court, Madras.

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