



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:14.03.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P Nos.27707 of 2023 and 506 of 2024
and
Crl.MP.Nos.19201 of 2023 & 345 of 2024

Mr.M.Selvamani

..Petitioner/Accused-3
in Crl.OP.No.27707/2023

Mr.N.Ramesh

..Petitioner/Accused-4
in Crl.OP.No.506/2024

.Vs.

State rep.by
The Inspector of Police
CSCID Cuddalore Police Station
Cuddalore District.

.. Respondent /Complainant
in Both Crl.OPs

Crime No.328 of 2012

COMMON PRAYER : Criminal Original Petitions filed under Section 482 of Criminal Procedure Code, to call for the records in SC.No.214 of 2020 on the file of Principal Sub Judge, Villupuram and quash the same.

For Petitioners : Mr.Manoj Sreevalsan
(in All Crl.OPs)

For Respondent : Mr.A.Gopinath
(in All Crl.OPs) Government Advocate (Crl.Side)

COMMON ORDER

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The petitioners is arrayed as A3 and A4 have filed these petitions to quash the proceeding in SC.No.214 of 2020, on the file of Principal Sub Judge, Villupuram.

2.The case of the prosecution is that the 2nd respondent received a secret information and he along with the police party went to Andiyur ration shop and saw A1 and A2 with 2 bags of rice. On seeing the police party, A2 had escaped and A1 is said to have assaulted LW.6 and threatened that the police should not interfere. He was apprehended. On his confession, the petitioners [A3 and A4] were added as accused. The FIR came to be registered in Crime No.328 of 2012 and on completion of investigation, the final report came to be filed against 4 accused persons before the Court below which was taken cognizance for offence under Section 6(4) of TNSC (RDCS) order 1982 r/w Section 7(1)(a)(II) of the Essential Commodities Act, 1955.

3.Heard Mr.Manoj Sreevalsan, learned counsel for the petitioners and Mr.A.Gopinath, learned Government Advocate (Crl.Side) for the respondent police.

4.It is seen from records that A1 and A2 had already approached this Court and filed quash petitions in Crl.OP.No.10219 of 2021 and Crl.OP.No.21677 of 2022. Both these quash petitions were allowed by this Court by order dated 9.10.2023 and 29.11.2023 respectively. The grounds on which the quash petitions was allowed for

A1 and A2 will equally apply to the petitioners (A3 and A4) also.



5. Apart from the above, the petitioners have been roped in based on the confession of A1 and the proceedings against A.1 has already been quashed. That apart, the only other material available against the petitioners is the statement recorded from LW.9 and LW.10. Even those statements do not make out an offence against the petitioners in the absence of any other materials available against the petitioners.

6. In the light of the above discussion, the continuation of the criminal proceedings as against the petitioners will result in abuse of process of law and it requires the interference of this Court. Accordingly, the proceedings in SC.No.214 of 2020, on the file of Principal Sub Judge, Villupuram, is hereby quashed and both the criminal original petitions stands allowed. Consequently, connected miscellaneous petitions are closed.

14.03.2024

Index: Yes/No
Speaking Order/Non Speaking Order
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To

1. The Inspector of Police
CSCID Cuddalore Police Station
Cuddalore District.

2. The Public Prosecutor
High Court, Madras.



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N.ANAND VENKATESH.,J

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