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Crl.O.P.No.1050 of 2024

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

**DATED : 23.01.2024**

**CORAM**

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

**Crl.O.P.No.1050 of 2024**

**and**

**Crl.M.P.No.714 of 2024**

R.Kuppusamy  
S/o.Raji

... Petitioner

Vs

State represented by  
Inspector of Police,  
CS-CID,  
Villupuram.

... Respondent

**PRAYER** : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, 1973, praying to call for the records relating to C.C.No.225 of 2022 on the file of Judicial Magistrate I, Villupuram and quash the same insofar as the petitioner is concerned.

For Petitioner : Mr.V.I.Prashanth

For Respondent : Mr.A.Damodaran  
Additional Public Prosecutor

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**ORDER**

This petition has been filed seeking to quash the proceedings in C.C.No.225 of 2022 on the file of Judicial Magistrate I, Villupuram.

2. The case of the prosecution is that on 29.06.2018 at about 08.00 p.m., an inspection was conducted by the police and it was found that 26 bags of PDS rice each containing 50 kilos were seized and it was found that the accused persons were attempting to sell the PDS rice in the open market. Hence, a First Information Report came to be registered in Crime No.93 of 2018 against 13 accused persons for offences u/s.6(4) of TNSC (RDCS) Order, 1982 r/w 7(1)a(ii) of EC Act, 1955. On completion of investigation, a final report came to be filed before the Court below against 13 accused persons. The Court below took cognizance of the final report and issued summons to the accused persons. The petitioner has been arrayed as A5 in the final report.

3. Heard Mr.V.I.Prashanth, learned counsel for petitioner and Mr.A.Damodaran, learned Additional Public Prosecutor appearing for respondent.

4. The petitioner was working as Superintendent of the concerned



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godown and this incident is said to have taken place on 29.06.2018, on that day, the petitioner has appeared for the review meeting before the Regional Manager Office at Villupuram. He, therefore, left the godown about 12 in the noon. Hence, the petitioner was not even in the scene of occurrence when the incident took place.

5. The above plea of alibi will not be normally gone into by this Court at the time of considering the quash petition against criminal proceedings and it can only be established during the course of trial. However, it is seen from records that departmental proceedings were also initiated against the petitioner and the petitioner was suspended and nearly three charges were framed against the petitioner. This was enquired by the disciplinary authority and through proceedings dated 02.08.2019, the disciplinary authority found that none of the charges were established against the petitioner and accordingly, the disciplinary proceedings were closed. The period of suspension was also directed to be regularized.

6. In the light of the above development, learned counsel for petitioner



submitted that no useful purpose will be served in proceeding against the petitioner before the criminal Court since the standard of proof in a criminal proceeding is much more than the standard of proof in departmental proceedings. If the petitioner has been exonerated from all charges in the departmental proceedings, the very same charges cannot be established against the petitioner in the criminal proceedings. To substantiate the same, learned counsel relied on the judgment of the Supreme Court in *Ashoo Surendranath Tewari v. Deputy Superintendent of Police, EOW, CBI and another [(2020) 9 SCC 636]* and *P.S.Rajya v. State of Bihar [(1996) 9 SCC 1]*.

7. This Court finds lot of force in the submission made by learned counsel for petitioner. In the judgment in *P.S.Rajya* (referred supra), the very same ground that was taken by learned counsel for petitioner was considered. The relevant portion is extracted hereunder:

"17. At the outset we may point out that the learned counsel for the respondent could not but accept the position that the standard of proof required to establish the guilt in a criminal case is far higher than the standard of proof required to establish the guilt in the departmental proceedings. He also accepted that in the present case, the charge in the departmental proceedings and in the criminal proceedings is one and the same. He did not dispute the findings rendered in the departmental proceedings and the ultimate result of it. On these premises, if we proceed further then there is no difficulty



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in accepting the case of the appellant. For if the charge which is identical could not be established in a departmental proceedings and in view of the admitted discrepancies in the reports submitted by the valuers one wonders what is there further to proceed against the appellant in criminal proceedings. ..."

8. Insofar as the departmental proceedings are concerned, the standard of proof is based on preponderance of probability and it is lower than the standard of proof in criminal proceedings where the case has to be proved beyond reasonable doubts. If the petitioner has been exonerated in the departmental proceedings and the charges in both the departmental proceedings and the criminal proceedings are one and the same, no useful purpose will be served in making the petitioner undergo the criminal proceedings and that will only amount to abuse of process of law.

9. In the light of the above discussion, this Court is inclined to interfere with the criminal proceedings only insofar as the petitioner is concerned.

**N.ANAND VENKATESH, J**

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Accordingly, this Criminal Original Petition is allowed and the proceedings in C.C.No.225 of 2022 on the file of Judicial Magistrate I, Villupuram, is quashed insofar as the petitioner herein is concerned. There shall be a direction to the Court below to proceed further with the case as against the other accused persons strictly in accordance with law and complete the proceedings within a period of six (6) months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is closed.

**23.01.2024**

Index : Yes/No

Speaking order: Yes/No

Neutral citation: Yes/No

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To

1.The Judicial Magistrate I,  
Villupuram.

2.The Inspector of Police,  
CS-CID, Villupuram.

3.The Public Prosecutor,  
High Court, Madras.

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