



Crl.O.P.(MD)No.1697 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.01.2024

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.(MD)No.1697 of 2022
and Crl.M.P.(MD)No.1238 of 2022

Sinivasan @ Viralimalai Srinivasan

... Petitioners

Vs.

1.The State rep.by
The Inspector of Police,
Civil Supplies C.I.D.,
Thanjavur.
(Crime No.142 of 2021)

2.Muthaiah,
Deputy Manager (Purchase / Transport),
TNCSC, Regional Office,
Thanjavur.

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in Crime No.142 of 2021 on the file of the first respondent and quash the same as illegal insofar as the petitioner is concerned.

For Petitioner : Mr.T.Lenin Kumar



WEB COPY



CrI.O.P.(MD)No.1697 of 2022

For R1

: Mr.B.Nambiselvan,
Additional Public Prosecutor.

ORDER

This Criminal Original Petition has been filed to quash the first information report in Crime No.142 of 2021 on the file of the first respondent Police.

2.The case of the prosecution is that the second respondent herein is the Deputy Manager (Purchase / Transport), TNCSC, Regional Office, Thanjavur. On 28.08.2021, based on the secret information, he conducted surprise search at A1's SRI Vasavi rice mill, which was leased out to the petitioner herein and they found that the petitioner was in illegal possession of 13667 paddy bags, in which 7649 bags was belonging to the second respondent Co-operation. Therefore, the second respondent filed a complaint, based on which the first respondent registered a case in Cr.No.142 of 2021 for the offence punishable under Sections 3, 7(1)(a)(ii) of the Essential Commodities Act, 1955. Challenging the same, the petitioner filed the present petition.



CrI.O.P.(MD)No.1697 of 2022

WEB COPY

3.The learned counsel appearing for the petitioner submitted that as per the clause 3 of the notification issued by the Co-Operation, Food and Consumer Protection Department dated 15.02.2002, any dealer may freely buy, stock, sell, transport, distribute, dispose, acquire, use or consume any quantity of paddy/rice shall not require a permit or license therefor under any order issued under the Essential Commodities Act, 1955. However, the first respondent registered FIR for the offence under Section 3 of the Essential Commodities Act, which is not sustainable one. Accordingly, he prayed to quash the impugned FIR.

4.The learned Additional Public Prosecutor appearing for the first respondent submitted that if any dealer, who is engaged in the business of purchase, movements, sale supply, distribution or storage for sale of any of commodities specified in Clause 3 of the above said notification whether as a wholesaler or retailer or producer can freely buy stock the paddy. However, the petitioner possessed 13667 bags of rice, without having any valid dealership licence and dealers, who possessed licence are only entitled to purchase paddy from the farmers. Further, 7649 bags



CrI.O.P.(MD)No.1697 of 2022

were belonged to the second respondent co-operation. Without dealership licence, the petitioner purchased huge quantity of paddy, which is an offence and there are materials available to proceed with the case as against the petitioner herein and at the threshold, the criminal proceedings cannot be quashed and hence, he prayed to dismiss the present petition.

5.Heard the learned counsel on either side and perused the materials available in the record.

6.It is seen from the records that the petitioner herein, without any dealership license, possessed huge quantity of paddy in his rice mill and hence, the second respondent filed a complaint, based on which, the first respondent registered a case. As per the notification referred by the learned counsel for the petitioner, a dealer may freely buy, stock, sell, transport, distribute, any quantity of paddy/rice. However, as per the provisions of Seeds Act, the person, who act as dealer, must possess dealership license. In this case, admittedly, the petitioner, without having any valid licence, possessed huge quantity of paddy. However,



CrI.O.P.(MD)No.1697 of 2022

this Court, without going into the merits of the case, directs the first respondent Police to complete the investigation in Cr.No.142 of 2021, within a period of six weeks from the date of receipt of a copy of this order. Accordingly, this criminal original petition is dismissed. Consequently, connected miscellaneous petition is closed.

31.01.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
gns

To

- 1.The Inspector of Police,
Civil Supplies C.I.D.,
Thanjavur.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



CrI.O.P.(MD)No.1697 of 2022

M.DHANDAPANI,J.

gns

CrI.O.P.(MD)No.1697 of 2022

31.01.2024