



CRL OP(MD)No.19716 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 27.02.2024

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THE HONOURABLE MRS.JUSTICE R.HEMALATHA

CRL.O.P(MD)No.19716 of 2021
and
CRL.M.P(MD)No.11065 of 2021

Muthukumar

... Petitioner

Vs

1.The Inspector of Police,
Ramanathapuram Police Station,
CSCID Madurai,
Madurai District.
(in Crime No.155/2020)

2.Kamatchinathan

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to call for the records in C.C.No,80 of 2021 pending before the learned Judicial Magistrate No.II, Ramanathapuram, Ramanathapuram District and quash the same insofar the petitioner/Accused No.4 is concerned.

For Petitioner : Mr.R.Babu Jaganath

For R1 : Mr.R.M.Anbunithi
Additional Public Prosecutor



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ORDER

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Seeking to quash the final report in C.C.No.80 of 2021 on the file of the learned Judicial Magistrate No.II, Ramanathapuram, the present petition is filed by the petitioner/fourth Accused.

2.The case of the prosecution, in a nutshell, is as follows:-

The petitioner is a salesman in the Ramco Fair Price Shop No.5, Emaneswaram. On 25.12.2020, at about 08.00 a.m., the Sub Inspector of Police, CSCID, Ramanathapuram along with his team were on routine rounds and they intercepted a Mahindra Pickup Van bearing Registration No.TN-58-T-0886 near Paramakudi and found 3605 Kgs of ration rice in the van. They arrested Mariappan(A1), the driver of the van and two load men Sivaramakrishnan (A2) and Muruganantham(A3). Their confessional statements were recorded individually by the Sub Inspector of Police, CSCID, in which they have stated that they have purchased the rice from various ration shops including Ramco Fair Price Shop No.5, Emaneswaram. Based on their confessions, 3605 kgs of rice were seized and FIR in Crime No.155 of



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2020 was registered against the four accused including the petitioner, who is the salesman of Emaneswaram Ramco Fair Price Shop No.5 on 25.12.2020 for the offences punishable under Sections 6(2), 6(3) and 6(4) of Tamil Nadu Scheduled Commodities (RDCS) Order, 1982 r/w Section 7(1)(a)(ii) of Essential Commodities Act, 1955.

3.Mr.R.Babu Jaganath, learned counsel appearing for the petitioner drew the attention of this Court to the Report of the Sub Registrar, Co-operative Societies, Paramakudi and Kadaladi, dated 02.02.2021, wherein he had stated that he conducted an inspection in Ramco Fair Price Shop No.5, Emaneswaram and found the stock of various food grains intact. He had also enquired various card holders, who had clearly stated before him that they are getting all food grains from the shop without any difficulty. Relying on this report of the Sub Registrar, the learned counsel for the petitioner contended that the petitioner cannot be charged for the offences punishable under Sections 6(2), 6(3) and 6(4) of Tamil Nadu Scheduled Commodities (RDCS) Order, 1982 r/w Section 7(1)(a)(ii) of Essential Commodities Act, 1955.



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4. Per contra, Mr.R.M.Anbunithi, learned Additional Public Prosecutor appearing for the first respondent would contend that the police, after conducting proper investigation, laid a final report and there is no valid ground to quash the same.

5. A perusal of the records shows that on the very next day of occurrence i.e., 26.12.2020, an inspection was conducted by the Sub Registrar and Taluk Supply Officer in Ramco Fair Price Shop No.5, Emaneswaram and found there is no missing of any food grains. They also conducted further inspection on 19.09.2021 and 02.02.2021 and their inspection revealed that 3605 kgs of ration rice was not purchased from the Ramco Fair Price Shop No.5, in which, the present petitioner was working as a salesman. This Report was actually submitted by the Sub Registrar of Cooperative Societies to the Investigating Officer and despite receiving the said report, the Investigating Officer had filed a final report on 20.02.2021 without considering the same.

6. When the authorities had specifically contended that the ration rice seized by the police was not purchased from the Ramco Fair Price



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Shop No.5, the present petitioner who is the salesman, cannot be charged for the offences punishable under Sections 6(2), 6(3) and 6(4) of Tamil Nadu Scheduled Commodities (RDCS) Order, 1982 r/w Section 7(1)(a) (ii) of Essential Commodities Act, 1955.

7. In these circumstances, the final report in C.C.No.80 of 2021 on the file of the learned Judicial Magistrate No.II, Ramanathapuram, is quashed against the present petitioner alone. Accordingly, the Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

27.02.2024

Index :Yes/No
Internet :Yes/No
NCC :Yes/No
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To

- 1.The Judicial Magistrate No.II,
Ramanathapuram,
Ramanathapuram District.
- 2.The Inspector of Police,
Ramanathapuram Police Station,
CSCID Madurai,
Madurai District.

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3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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R.HEMALATHA,J.

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