



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.12.2024

CORAM:

THE HONOURABLE **MR. JUSTICE K.K.RAMAKRISHNAN**

CrI.O.P.(MD) No.20966 of 2024

and

CrI.M.P.(MD).No.12988 of 2024

Sattanathan

... Petitioner

Vs.

1.The Inspector of Police,
Tirunelveli Police Station,
CSCID-Madurai
Crime No.378 of 2024

2.Anantha Balasubramanian

... Respondents

PRAYER: Criminal Original Petition has been filed under Section 528 BNSS, 2023 and Section 482 Cr.P.C., to call for the records pertaining to the First Information Report in Crime No.378 of 2024 on the file of the first respondent police and quash the same as illegal as against the petitioner/accused No.6.

For Petitioner : Mr.C.Bharathiraja

For R1 : Mr.K.Sanjai Gandhi
Government Advocate (CrI.Side).



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ORDER

This petition has been filed to quash the F.I.R in Crime No.378 of 2024, on the file of the first respondent police as against the petitioner.

2.The Crux of the case is that the second respondent/defacto complainant gave a complaint before the first respondent police stating that on 27.10.20214 at about 06.00 am., he along with police party was doing regular vehicle check and they stopped and checked one Car bearing Registration No.TN-07-AJ-0235 Mahindra Scorpio Car and they found Ration Rice of 20 packages of 50 Kgs in the car and they seized and arrested the petitioner and based on the statement of the petitioner, they also went to Chandramouli Modern Rice Mill at Adayakarungulam and checked TATA ACE bearing Registration No.TN-72-CY-9832 and they found that the other accused were unloading 50 packages of 40 Kgs ration rice and the same was also seized at the spot and the other accused persons were arrested and a case was registered in Crime No.378 of 2024 on 27.10.2024 for the offence under Section 6(4) of TN Scheduled Commodities (RDCS) Order, 1982 r/w 7(1)(a)(ii) of Essential Commodities Act, 1955.



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3. This Court considered the rival submissions made by the learned counsel appearing on either side and perused the materials available on record.

4. The petitioner is arrayed as 6th accused in the above Crime No. 378 of 2024 and there is a specific allegation against him and other accused that they had illegally transported the PDS rice in violation of the Section 6(4) of TN Scheduled Commodities (RDCS) Order, 1982. The above said allegation requires detailed investigation and hence, at this stage this Court is not inclined to consider the grounds raised by the petitioner to quash the proceeding. It is settled principle, while exercising its jurisdiction under Section 482 of Code of Criminal Procedure/under Article 226 of Constitution of India, petition seeking for quashing of FIR, the Court should be extremely cautious and slow to interfere with the investigation and /or trial of criminal cases and should not stall the investigation and / or prosecution, except when the Court is convinced beyond any manner of doubt that no case is made out. This Court finds no reason to interfere with the allegation made in the complaint.



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5. Accordingly, this Criminal Original Petition is dismissed. The petitioner is at liberty to file a quash petition, after final report, if so advised. Consequently, connected Miscellaneous Petition is closed.

03.12.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
sbm

To

1. The Inspector of Police,
Tirunelveli Police Station,
CSCID-Madurai
Crime No.378 of 2024
2. The Section Officer,
Criminal Section (Records)
Madurai Bench of Madras High Court, Madurai.



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K.K.RAMAKRISHNAN, J.

sbn

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