



Crl.O.P.No. 6466 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.03.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No. 6466 of 2025

and

Crl.M.P.Nos.4124 & 4125 of 2025

1. P. Thiyagarajan
2. Eswaran

.... Petitioners

Vs

State Rep.By,
Deputy Superintendent of Police,
CSCID, Chennai,
Namakkal Police Station,
Namakkal.

..... Respondent

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records in C.C.No.330 of 2023 on the file of the learned Judicial Magistrate No.II, Namakkal and quash the proceedings as against the petitioners.

For Petitioner : Mr.B.A.Sujay Prasanna

For Respondent : Mr.K.M.D.Muhilan
Government Advocate (Crl.Side)



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ORDER

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This Criminal Original Petition has been filed seeking to quash the proceedings in C.C.No.330 of 2023 on the file of the learned Judicial Magistrate No.II, Namakkal.

2. The case of the prosecution is that based on the secret information regarding the sale of adulterated diesel at RPS Lory Workshop in Namakkal, an investigation was conducted. During the course of investigation, the respondent found that 1000 liters of adulterated diesel in a tanker lorry, which was sold without a valid license and documents. Pursuant to the same, an FIR has been registered in Crime No.71 of 2021 for the offences under Sections 3(4) of the Motor Spirit and High Speed Diesel (Regulation of Supply & Distribution & Prevention of Malpractices) Order, 2005 and Section 7(1)(a)(ii) of the Essential Commodities Act, 1995. After completion of the investigation, final report was filed and the same has been taken cognizance in C.C.No.330 of 2023 on the file of the Judicial Magistrate No.II, Namakkal.



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3. The learned counsel appearing for the petitioners would submit that there are two accused, in which, the petitioners are arrayed as A1 and A2. The first petitioner is owner of the lorry and a partner in M/s.Sri Krishna Agencies, Erode, which is an authorised dealer of Indian Oil Corporation Limited. The second petitioner is the driver of the lorry. Therefore, the sale of any petroleum product by them is not unauthorised one. Further, the lorry bearing Registration No.TN-01-AT-4223 belongs to the authorised dealer M/s.Sri Krishna Agencies, Erode. That apart, the petitioners also produced forensic report dated 19.04.2023, which indicates that the sample liquid conforms to the specifications laid down for Diesel Fuel in IS 1460/2017 with respect to the parameters mentioned in the below table :

TABLE

<i>S. No</i>	<i>Characteristics</i>	<i>Requirements as per IS 1460/2017</i>	<i>Result</i>
1.	Distillation, 95 percent v/v, recovery °C, Max	360	339.4°C
2.	Flash Point, Abel, °C Min	35°C	65.5°C
3.	Kinematic Viscosity Cst, at 40°C	2.0 to 4.5	2.1263
4.	Density at 15°C, Kg/m ³	815-845	820



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4. Further, the definition of “adulteration” under the Motor Spirit and High Speed Diesel (Regulation of Supply & Distribution & Prevention of Malpractices) Order, 2005, refers to the introduction of any foreign substance into motor spirit or high speed diesel illegally or unauthorizedly with the result that the product does not conform to the requirements of the Bureau of Indian Standards specifications number IS 2796 and IS 1460 for motor spirit and high speed diesel respectively or any other requirement notified by the Central Government from time to time.

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

6. Admittedly, the samples which were taken conform to the specifications laid down for diesel fuel in IS 1460/2017 as per the forensic report dated 19.04.2023. That apart, the first petitioner is an authorised dealer of Indian Oil Corporation Limited and is operating a partnership firm under the name and style of Sri Krishna Agencies, Erode. The petitioner has been charged under Section 2(f)(v) of Motor



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Spirit and High Speed Diesel (Regulation of Supply & Distribution & Prevention of Malpractices) Order, 2005, which is punishable under Section 7(1)(a)(ii) of the Essential Commodities Act, 1955. However, no prima facie offence is made out as against the petitioner, since the first petitioner is an authorised dealer and the diesel in possession conforms to the prescribed standards, negating the allegation of adulteration.

7. In view of the above, it is evident that no offence is made out as against the petitioner. Therefore, the entire proceedings are liable to be quashed. Accordingly, the proceedings in C.C.No.330 of 2023 on the file of the learned Judicial Magistrate No.II, Namakkal, is hereby quashed and the Criminal Original Petition stands allowed. Consequently, connected miscellaneous petitions are closed.

07.03.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
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G.K.ILANTHIRAIYAN, J.

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To

1. The Judicial Magistrate No.II,
Namakkal.
2. The Deputy Superintendent of Police,
CSCID, Chennai,
Namakkal Police Station,
Namakkal.
3. The Public Prosecutor,
High Court, Madras.

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