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Crl.O.P.No.11232 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.04.2025

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.11232 of 2025

and

Crl.M.P.No.7512 of 2025

C.Vadivel

... Petitioner

Vs

1. The State Rep. by
The Inspector of Police,
CSCID Police Station,
Dharmapuri District.
Crime No.80 of 2014

2. R.Murugesan

... Respondents

Criminal Original Petition is filed under Section 528 of B.N.N.S.,
to call for the records pertaining to the proceedings in Crime No.80 of 2014
on the file of the first respondent and quash the same.

For Petitioners : Mr.T.Balaji
For Respondents : Mr.A.Gopinath,
Government Advocate (Crl.Side) (for R1)



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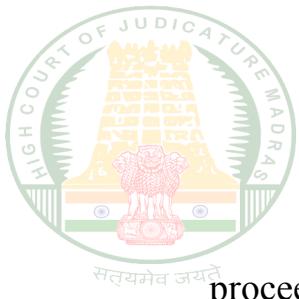
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ORDER

This petition has been filed to quash the First Information Report in Crime No.80 of 2014 on the file of the first respondent.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) appearing for the first respondent and perused the materials available on record.

3. The case of the prosecution is that on the complaint lodged by the second respondent, the first respondent registered the First Information Report in Crime No. 80 of 2014 for the offences under 6(4) of the TNSC (RDCS) Order, 1982, r/w Section 7(1)(a)(ii) of the EC Act, 1955, alleging that on 05.08.2014, from the Tamil Nadu Civil Supplies Corporation Godown, Ponnagara, essential commodities were sent to the ration shops Anaikallanur to Mottupattu BPO 52 and BPO 52 P1 in two lorries. After unloading the goods, the petitioner and three others left two bags of sugar, each containing 50 kgs. On seeing this, the general public of the village informed the second respondent/Block Development Officer, who



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proceeded to the concerned village and enquired. The general public of the village handed over two bags of sugar, and the vehicle TVS-50 Super Excel bearing No. TN 29 F 6087. The petitioner and the other accused absconded. The defacto complainant handed over the lorry, TVS-50 Excel, lorry driver, and two bags of sugar to the respondent police. Hence, the complaint.

4. After registration of the First Information Report, it is kept pending in cold storage for the past 11 years without any further progress. Even according to the prosecution, the petitioner and others left two bags of sugar, each containing 50 kgs, after unloading the goods from the lorry. In pursuance of the registration of the First Information Report, the petitioner was suspended from service. Thereafter, the petitioner was not permitted to retire from service in view of the pendency of the present First Information Report impugned in this petition. The petitioner has been anticipating the outcome of the final report of the investigation for more than 11 years. The inordinate delay in completing the investigation would have certainly caused serious prejudice to the petitioner herein. On this sole ground, the petitioner would be entitled to succeed. In view of the laches on the part of



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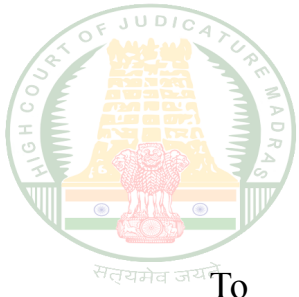
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the prosecution in completing the investigation within a reasonable time, this Court is of the view that no justification can be established if the first respondent is permitted to file a final report at this belated stage.

5. In view of the above discussions, this Criminal Original Petition stands allowed and the First Information Report in Crime No.80 of 2014 on the file of the first respondent is hereby quashed. Consequently, the connected Miscellaneous Petition is closed.

15.04.2025

Index: Yes/No
Neutral Citation/Yes/No
kv



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To
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1. The Inspector of Police,
CSCID Police Station,
Dharmapuri District.
2. The Public Prosecutor,
High Court of Madras.



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G.K.ILANTHIRAIYAN, J.

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