



Crl.O.P.No.14176 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.06.2025

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.O.P.No.14176 of 2025

and

Crl.M.P.Nos. 9616 and 9619 of 2025

M.Singaravelan

... Petitioner

Vs.

1. The State Rep.by
The Inspector of Police CSCID,
Thiruvallur District,
Crime No.305 of 2013.

2. S.L.Rajesh

... Respondents

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records relating to C.C.No.238 of 2017 pending on the file of the Judicial Magistrate No.I, Thiruvallur District and quash the same by allowing this Criminal Original Petition.

For Petitioner : Mr.D.Bennington

For Respondents : Dr.C.E.Pratap
Government Advocate (Crl.Side)
for R1

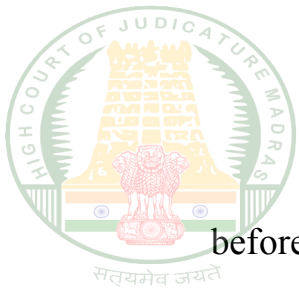


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ORDER

WEB COPY This Criminal Original Petition is filed to quash the charge-sheet in C.C.No.238 of 2017 pending on the file of the Judicial Magistrate No.I, Thiruvallur District.

2. The case of prosecution as per the *de-facto* complainant is that, on 15.11.2013, when the second respondent/*de-facto* complainant, who is working as Assistant Engineer at Oil Pump House at Pudhuma Nagar , had conducted inspection of a lorry bearing Registration No.TN-23-L-4720, which belongs to one Kannan, Proprietor of M/s.S.V.Transport and it was found that Furnace oil in the lorry was mixed with water and air and that he had given a complaint before the first respondent-Police. The first respondent-Police registered a case in Crime No.305 of 2013 for the offences under Sections 2(f)(iv)(v)(vi), 2(1) of the Motor Spirit and High Speed Diesel (Regulation of Supply, Distribution and Prevention of Malpractices) Order 2005 [hereinafter referred to as "The MS & HSD Order"] read with Sections 7(i)a and (ii) of the Essential Commodities Act, 1955 [hereinafter referred to as "EC Act"] and Section 285 of IPC and filed a charge-Sheet in C.C.No.238 of 2017



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before the Judicial Magistrate Court No.I, Thiruvallur against the petitioner herein and four others.

3. Learned counsel for the petitioner submitted that the petitioner is no way connected with the alleged offence, even though the petitioner's name was not found in the F.I.R. However, based on the confession statement given by A3, who is the cleaner of the Truck, had made a statement alleging that the said adulteration was done by the petitioner along with other accused. He further submitted that the Furnace oil is neither a Motor Spirit or High Speed Diesel and hence, the provisions under The MS & HSD Order will not be applicable. He further submitted that there was an order to regulate the use of Furnace Oil viz., Furnace Oil (Fixation of Ceiling Prices and Distribution) Order ,1974. The said order was rescinded by the Central Government, Vide S.O.640(E) dated 31.07.1998. Therefore, there is no regulation or order in respect of possession of Furnace Oil. As such, the petitioner has not violated any of the clauses of MS & HSD Order and EC Act. Hence, the entire proceedings of the respondent for the alleged adulteration of Furnace Oil is liable to be set aside.



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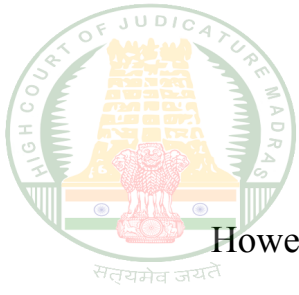
4. Learned Government Advocate (Crl.Side) appearing for the first

respondent submitted that the allegations made against the petitioner is adulteration and that after through investigation, the first respondent-Police filed the charge-sheet against the petitioner and four others for the offences under Sections 2(f)(iv)(v)(vi), 2(1) of The MS & HSD Order read with Sections 7(i)a and (ii) of the E.C.Act and Section 285 of IPC.

5. Heard both sides and perused the materials available on record.

6. On a reading of the entire materials, particularly, First Information Report and charge-sheet and statement of witnesses recorded under Section 161(3) Cr.P.C, this Court finds that *prima facie*, there are materials against the petitioner to proceed with the case further and it is a matter for trial. Whether the petitioner is involved in the alleged offence or not, can be decided only after trial and hence, this Court is not inclined to entertain this petition by invoking Section 528 BNSS Act, 2023. Hence, the Criminal Original Petition is dismissed. Consequently, connected miscellaneous petitions are closed.

7. The personal appearance of the petitioner is dispensed with.



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However, the petitioner is hereby directed to appear before the trial

WEB COPY Court, as and when his appearance is required for.

03.06.2025

Index : Yes/No

Neutral Citation Case : Yes/No

Speaking Order : Yes/No

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To

1. The Judicial Magistrate No.I,
Thiruvallur District.
2. The Inspector of Police CSCID,
Thiruvallur District.
3. The Public Prosecutor,
High Court, Madras.



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P.VELMURUGAN, J

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