



Crl.O.P.No.19185 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.07.2025

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.O.P.No. 19185 of 2025

and

Crl.M.P.Nos.13113 and 13114 of 2025

K.Nallamani

... Petitioner

Vs.

1. The State Represented by
The Inspector of Police,
CSCID, Thiruvallur District.

2. The Taluk Supply Officer,
Pallipattu Taluk,
Thiruvallur District.

... Respondents

Prayer: Criminal Original Petition is filed under Section 528 BNSS, 2023, to call for the entire records pertaining to the impugned Charge-Sheet filed in C.C.No.108 of 2025 on the file of the Judicial Magistrate Court No.I, Thiruvallur and quash the same by allowing the Criminal Original Petition.

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



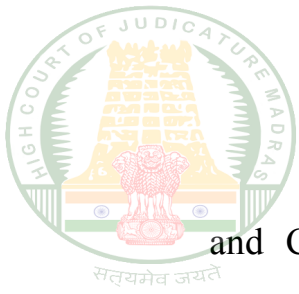
CrI.O.P.No.19185 of 2025

ORDER

WEB COPY The Criminal Original Petition has been filed to quash the Charge-Sheet filed in C.C.No.108 of 2025 on the file of the Judicial Magistrate Court No.I, Thiruvallur.

2. It is seen that the first respondent-Police registered a case in Crime No.464 of 2024 against the petitioner and others for the offences punishable under Sections 4, 10, 19 of Tamil Nadu Essential Trade Articles (Regulation of Trade) Order 1984 and under Section 6(4) of Tamil Nadu Scheduled Commodities (RDCS) Order 1982 read with 7(1)(a)(ii) of Essential Commodities Act, 1955. After investigation, the respondent-Police laid a charge-sheet before the Judicial Magistrate No.I, Thiruvallur. The learned Magistrate took the cognizance of the case as C.C.No.108 of 2025. Now the said charge sheet is under challenge in the present petition.

3. Learned counsel for the petitioner submitted that the petitioner/A1 is the owner of M/s.Thirumalai Traders, Madurai and he has been granted with licence for carrying out a job work of Re-polish



CrI.O.P.No.19185 of 2025

and Colour Sortex of the rejected rice kept at the Ramnad Civil Supplies Department. For the aforesaid job work, the cost is fixed at Rs.2,150/- per metric ton, but the said cost will not be paid by way of cash by the Civil Supplies Corporation, instead the petitioner is allowed to retain 15% of the rejected rice. As per the proceedings of the Managing Director, Civil Supplies, Chennai, the petitioner had performed the said job work and he had surrendered 499.5 metric tons to the Civil Supplies and he had retained 67.8 metric ton in his godown and out of which, he sold 25 metric ton to one M/s.P.K.Global Traders, Pallipattu, Karimedu Taluk, Tiruvallur District. However, the same has been confiscated by the first respondent-Police in Crime No.464 of 2024 alleging that without prior permission, the petitioner had transported PDS rice from Ramnad jurisdiction to Thiruvallur jurisdiction.

4. Learned counsel for the petitioner further submitted that the petitioner is the absolute owner of 15% of rejected rice, which the petitioner was allowed to retain from and out of the job work of re-polishing and colour sortex, thereby, the petitioner is entitled to sell the said rice and hence, the petitioner has not committed any offence as



Crl.O.P.No.19185 of 2025

alleged by the first respondent-Police and a false case has been foisted against the petitioner. Even as per the final report, it is not PDS rice and it is only used for the purpose of cattle feeding. Therefore, there is no ingredients made out against the petitioner for the alleged offences and hence, the charge sheet has to be quashed.

5. Learned Government Advocate (Crl.Side) appearing for the first respondent-Police submitted that the petitioner was granted a licence for polishing and colour sortex for the rejected rice in Ramnad Civil Supplies Department only. However, the petitioner without getting permission, he transported the said rejected rice to a third party in Pallipattu, Thiruvallur District.

6. 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.

7. It is seen that the grounds raised by the leaned counsel for the petitioner are all factual in nature and it requires appreciation of evidence



CrI.O.P.No.19185 of 2025

and this Court cannot decide the same in exercise of its jurisdiction under

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Section 528 of the BNSS, 2023. The facts of this case and grounds raised in the quash petition do not fall within the parameters laid down by the Apex Court in *State of Haryana and others Vs. Bhajanlal and others [(1992) Suppl (1) SCC 335]*. Therefore, it is left open to the petitioners to raise all the grounds before the Court below and the same shall be considered on its own merits and in accordance with law. Therefore, this Court is not inclined to interfere with the proceedings which is pending before the Court below.

8. Accordingly, the Criminal Original Petition is dismissed.

Consequently, connected miscellaneous petitions are closed.

10.07.2025

Index : Yes/No

Neutral Citation Case : Yes/No

Speaking Order : Yes/No

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CrI.O.P.No.19185 of 2025

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To

1. The Judicial Magistrate - I,
Thiruvallur.
2. The Inspector of Police,
CSCID,
Thiruvallur District.
3. The Taluk Supply Officer,
Pallipattu Taluk,
Thiruvallur District.
4. The Public Prosecutor,
High Court, Madras.



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CrI.O.P.No.19185 of 2025

P.VELMURUGAN, J
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CrI.O.P.No.19185 of 2025

10.07.2025