



Crl.O.P.No.25163 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.10.2025

CORAM:

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No. 25163 of 2025

P.Ramachandran

... Petitioner

Vs.

The Inspector of Police
CSCID Food Cell,
Krishnagiri Unit,
Krishnagiri.

... Respondent

PRAYER : Criminal Original Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, to call for the records in impugned charge sheet in CC.No.444 of 2012 on the file of the learned Judicial Magistrate I, Krishnagiri, and quash the same.

For Petitioner : Mr. B.Sathish Kumar
For Dr. N.Vijayaraj

For Respondent : Mr. R.Vinothraja
Government Advocate (Crl. Side)



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ORDER

This criminal original petition is filed to quash the proceeding under Section 6 (4) of TNSC (RDCS) Order, 1982, read with Section 7 (i) a (ii) of the Essential Commodities Act.

2. The allegation pertains to illegal transport of PDS rice bags on 16.11.2012, to Karnataka, in the petitioner's vehicle.

3. Mr.B.Sathish Kumar, learned counsel representing Dr.N.Vijayaraj, learned counsel on record for the petitioner would submit that the petitioner is the sole accused in CC.No.444 of 2012, pending on the file of the Judicial Magistrate I, Krishnagiri. He would further submit that despite the case having been registered in the year 2012, the respondents have not produced the witnesses so far. Therefore, they are infringing the petitioner's right under Article 21 of the Constitution of India, to complete the trial.



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4. The learned counsel would further submit that in *Suo Motu WP.(Crl).No.618 of 2025*, this Court has taken cognizance of long pending cases and held that such cases are liable to be quashed to reduce docket explosion. He would contend that the petitioner was charged for offences under Section 6 (4) of the TNSC (RDCS) Order, 1982, read with Section 7 (i) a (ii) of the Essential Commodities Act, however, there is no material to show that the rice was purchased from any card holder, at best, it was allegedly procured from bulk sellers.

5. The learned counsel would further contend that the essential ingredients for the offence are absent. It is his case that there is no credible evidence to support the case of the prosecution and further, the proceeding is pending on the file of the Judicial Magistrate I, Krishnagiri, since 2012. Therefore, he would submit that the proceeding is an abuse of process of law and he would pray to quash the proceeding.



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WEB COPY 6. The learned Government Advocate (Criminal Side), appearing for the respondent would submit that though the case has been registered in the year 2012, since the witnesses could not be located, there is an inordinate delay. However, he would submit that the charge sheet is filed for offences under Section 6 (4) of the TNSC (RDCS) Order, 1982, read with Section 7 (i) a (ii) of the Essential Commodities Act. Therefore, he would seek dismissal of the petition.

7. Heard the learned counsel on either side and perused the records.

8. Though the petitioner is charged for offences under Section 6 (4) of the TNSC (RDCS) Order, 1982, read with Section 7 (i) a (ii) of the Essential Commodities Act, there is no material to show that the rice was purchased from any card holder or that it was allegedly procured from bulk sellers. Further, the case has been pending from the year 2012, and the respondents have not taken any steps to produce witnesses so far.



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9. When there is no material to substantiate the case of the prosecution and there had been an inordinate delay on their side to produce witnesses, this Court is of the opinion that the proceeding against the petitioner is nothing but an abuse of process of law.

10. Accordingly, the proceeding in CC.No.444 of 2012, on the file of the learned Judicial Magistrate I, Krishnagiri, is quashed. This criminal original petition is allowed.

30.10.2025

Neutral Citation:Yes/No

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1.The Judicial Magistrate I,
Krishnagiri.

2. The Inspector of Police
CSCID Food Cell,
Krishnagiri Unit,
Krishnagiri.

3.The Public Prosecutor,
Madras High Court,
Chennai.



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A.D.JAGADISH CHANDIRA, J.

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