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CrI.O.P.No.29773 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.11.2025

CORAM:

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

CrI.O.P.No.29773 of 2025

B.Ramadoss

...Petitioner

Vs.

State rep. by the Inspector of Police,
CSCID Police Station,
Krishnagiri.
Crime No.175 of 2021

...Respondent

Criminal Original Petition filed under Section 528 of Bharatiya
Nagarik Suraksha Sanhita/Section 482 Cr.P.C., to call for the entire records
in C.C.No.87 of 2025 on the file of the learned Judicial Magistrate – I,
Krishnagiri and quash the same.

For Petitioner : Mr.S.Balaji
for M/s.M.Manivasagam Associates

For Respondent : Mr.K.M.D.Muhilan, APP

ORDER

This criminal original petition has been filed seeking to quash the
proceedings in C.C.No.87 of 2025, pending on the file of the learned
Judicial Magistrate – I, Krishnagiri.



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2. The brief facts are as follows:-

The respondent-police registered a case in Crime No.175 of 2021 for the offences under Sections 6(4) of Tamil Nadu Scheduled Commodities (RDCS) Order, 1982 r/w. 7(i)a(ii) of the Essential Commodities Act, 1955, for the alleged commission of illegal transportation of 22,000 Kgs. of PDS rice without obtaining any permission by the accused persons. During the course of enquiry, based on the false confession statement given by one of the accused that the petitioner aided one R.Asaithambi/A8, who was the godown staff of the Tamil Nadu Civil Supplies Corporation, in illegal transportation of the PDS rice, he has been wrongly implicated in this case. On completion of investigation, the final report came to be filed before the learned Judicial Magistrate – I, Krishnagiri in C.C.No.87 of 2025 as against the petitioner and other accused persons and the petitioner has been arrayed as A9. Aggrieved by the same, the petitioner has come up with this petition.

3.1. Learned counsel for the petitioner submitted that the petitioner is an innocent person and he was not initially arrayed as an accused in the above said FIR in Crime No.175 of 2021 and solely based on the alleged confession made by one of the arrested accused, the petitioner has been wrongly implicated in this case and other than the alleged confession said to have been recorded from the arrested accused, there is absolutely no



material to implicate the petitioner in this case. He further submitted that the departmental proceedings initiated against the petitioner ended in his favour by holding that the petitioner is in no way connected to the alleged offence.

3.2 In support of his contention, the learned counsel for the petitioner relied on the decision of the Hon'ble Apex Court in the case of ***Ashoo Surendanath Tewari Vs. Deputy Superintendent of Police, EOW CBI and another*** reported in ***CDJ 2020 SC 717***, wherein the Hon'ble Apex Court had held as under:-

“38. The ratio which can be culled out from these decisions can broadly be stated as follows:

(vii) In case of exoneration, however, on merits where the allegation is found to be not sustainable at all and the person held innocent, criminal prosecution on the same set of facts and circumstances cannot be allowed to continue, the underlying principle being the higher standard of proof in criminal cases.

39. In our opinion, therefore, the yardstick would be to judge as to whether the allegation in the adjudication proceedings as well as the proceeding for prosecution is identical and the exoneration of the person concerned in the adjudication proceedings is on merits. In case it is found on merit that there is no contravention of the provisions of the Act in the adjudication proceedings, the trial of the person concerned shall be an abuse of the process of the court.”

(emphasis supplied)



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3.3 In view of the above, the learned counsel for the petitioner submitted that since the petitioner has been exonerated in the departmental proceedings, that too on merits and as the allegation made against him is found to be not sustainable, the criminal prosecution on the same set of facts cannot be allowed to continue, as the same would be nothing but an abuse of process of law. Accordingly, he prayed for setting aside the impugned proceedings against the petitioner.

4. Per contra, the learned Additional Public Prosecutor appearing for the respondent-police submitted that the petitioner is arrayed as A9 and the allegation made against the petitioner is that he, being the godown staff of the Tamil Nadu Civil Supplies Corporation, collected the essential commodities from the godown and illegally transported the same with the help of the other accused persons.

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

6. The allegation made against the petitioner is that he collected the PDS rice meant for public from the godown and transferred the same to



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the other accused for illegal transportation and the petitioner was also placed under suspension in connection with the above said occurrence.

Upon conclusion of the departmental enquiry, as the charges against the petitioner were not proved, the petitioner was exonerated from all the charges and he was subsequently reinstated into service.

7. It is the main contention of the petitioner that the departmental proceedings were initiated against the petitioner on the very same cause of action and the petitioner was exonerated from the departmental proceedings and if the petitioner was not found guilty by applying preponderance of probabilities, he cannot be prosecuted in the criminal case where the standard of proof is proof beyond reasonable doubt and therefore, no useful purpose would be served in keeping the proceedings in C.C.No.87 of 2025 pending against the petitioner.

8. In view of the above submission and also taking into consideration the decision of the Hon'ble Apex Court in Ashoo Surendanath Tewari's case (*supra*), since the petitioner has been exonerated from all the charges in the departmental proceedings, vide order of the Deputy Registrar/ Managing Director dated 31.05.2022 and also considering the fact that apart from the aforesaid statement of the co-accused as there is no material



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suggesting involvement of the petitioner in the above crime, this Court is inclined to quash the impugned proceedings as against the petitioner.

9. Accordingly, this criminal original petition stands allowed and the impugned proceedings against the petitioner in C.C.No.87 of 2025, on the file of the learned Judicial Magistrate – I, Krishnagiri, is quashed.

20.11.2025

skt

Neutral Citation: Yes/No

To

1. The Judicial Magistrate – I,
Krishnagiri.
2. The Inspector of Police,
CSCID Police Station,
Krishnagiri.
3. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA, J.

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