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Crl.O.P.Nos.22775 & 30914 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.03.2026

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.Nos.22775 & 30914 of 2022 and
Crl.MP.Nos.14599, 18916 & 18917 of 2022

Crl.OP.No.22775 of 2022

1.Selva Kumar
2.Balaji
3.Nagaraj
4.Ramesh
5.Ansari
6.Karimullah
7.Shankar
8.Sabapathy

... Petitioners

Vs.

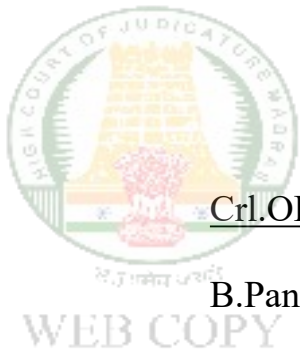
The State represented by
The Deputy Superintendent of Police,
CSCID, Thiruvallur
crime No.199 of 2020

... Respondent

Prayer: Criminal Original petition filed under Section 482 of Cr.P.C. praying to call for the records pertaining to the charge sheet in CC.No.273 of 2021, pending on the file of Judicial Magistrate Court No.I, Thiruvallur and to quash the same.

For Petitioners : Mr.S.Sathish Rajan

For Respondent : Mr.L.Baskaran,
Government Advocate(crl.side)



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Crl.OP.No.30914 of 2022

B.Panner Selvam

... Petitioner

Vs.

The State represented by
The Deputy Superintendent of Police,
CSCID, Thiruvallur
crime No.199 of 2020

... Respondent

Prayer: Criminal Original petition filed under Section 482 of Cr.P.C. praying to call for the records pertaining to the charge sheet in CC.No.273 of 2021, pending on the file of Judicial Magistrate Court No.I, Thiruvallur and to quash the same.

For Petitioner : No appearance

For Respondent : Mr.L.Baskaran,
Government Advocate(crl.side)

COMMON ORDER

Both the criminal original petitions have been filed praying to quash the proceedings in CC.No.273 of 2021, pending on the file of Judicial Magistrate Court No.I, Thiruvallur for the alleged offence under Section 3(1) of Solvent, Raffinate and SLOP(Acquisition, Sale, Storage and Prevention of Use in Automobiles) Order, 2000 r/w 7(1)(a)(ii) of Essential Commodity Act, 1955.

2. The case of the prosecution is that on 12.10.2020, when the



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respondent Police was on Patrol, on specific information they raided a place at Vijayanallur Salai near Padiyanallur Toll Plaza, Thiruvallur District and found the accused off-loading and loading Furnace Oil in an underground tank for the purpose of adulteration. Accused 4 to 9 were said to have been apprehended and they said to have given voluntary statement about their illegal storage and sale of furnace oil. Based on the statement, the respondent police registered FIR on a complaint given by the Sub-Inspector of Police. Thereafter, they filed charge sheet and the same was taken cognizance in CC.No.273 of 2021 on the file of Judicial Magistrate Court No.I, Thiruvallur, against which these criminal original petitions have been filed.

3. The learned counsel for the petitioners would submit that the provisions of Solvent, Raffinate and SLOP(Acquisition, Sale, Storage and Prevention of Use in Automobiles) Order 2000 will not be applicable in the case of furnace oil since it is not a Solvent, Raffinate or SLOP. The respondent herein filed final report based on the contravention order i.e. Solvent, Raffinate and SLOP(Acquisition, Sale, Storage and Prevention of Use in Automobiles) Order 2000. Therefore, the provision itself is not applicable to the case on hand. There was an order to regulate the use of furnace oil i.e. Furnace Oil (Fixation of Ceiling Prices and Distribution)



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Order, 1974 and the same was rescinded by the Central Government by order dated 31.07.1998. Therefore, there is no regulation or order to regulate the possession or sale of furnace oil. Therefore, no offence is attracted under the Essential Commodities Act also. Further, as per Section 7(2) of the Petroleum Act, no license is required to possess oil below 45000 litres. If the possession exceeds 45000 litres for Class C Petroleum, it requires licence. Further, as per the definition of petroleum under Section 2(bbb) of Petroleum Act, Petroleum Class C means petroleum having a flash point of 65 degree centigrade and above but below 93 degree centigrade. As far as furnace oil is concerned, the flash point is 66 degree centigrade and as such the same comes under Class C petroleum products under the Petroleum Act. Therefore, the entire case of the prosecution cannot be sustained and the same is liable to be quashed.

4. On perusal of the documents and also on the submissions of the learned Government Advocate(crl.side) appearing for the respondent, it is revealed that the accused had purchased waste oil from the lorry drivers and adulterated the furnace oil with the waste black oil and sold the same for higher price. There is no charge for possessing the furnace oil. It is relevant to extract the provisions under Section 3(1) of Solvent, Raffinate and SLOP(Acquisition, Sale, Storage and Prevention of Use in

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Automobiles) Order, 2000 hereunder:

3. Restriction on sale and use of Solvents, Raffinates and Slops and other products:

(1) No person shall either acquire, store or sell Solvents, Raffinates and Slops or their equivalent and other product, without a licence, issued by the State Government or the District Magistrate or any other Officer authorised by the Central or the State Government.

5. Thus it is clear that licence is required for consumption of more than 50,000 litres per month. That apart, the accused adulterated furnace oil with black oil and sold the same to customers for higher prices. Hence, the grounds raised by the petitioners are not applicable to the case on hand since it is not a case of mere possession of furnace oil. The accused had adulterated the furnace oil with black oil purchased from tanker lorries at cheaper price and they had wrongfully sold it at higher price by alleging it to be pure.

6. The Hon'ble Supreme Court of India in the judgment reported in **2019 (4) SCC 351** in the case of **Devendra Prasad Singh Vs. State of Bihar & Anr., (Crl.A.No.579 of 2019 dated 02.04.2019)** while dealing with the petition to quash the entire criminal proceedings held



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that the High Courts have no jurisdiction to appreciate the statement of the witnesses and record a finding that there were inconsistencies in their statements and therefore, there was no prima facie case made out as against the accused. It could be done only by the trial Court while deciding the issues on the merits or/and by the Appellate Court while deciding the appeal arising out of the final order that the charge sheet has been laid on the basis of the inconsistency statement under Section 161 of Cr.P.C.

7. Further, the Hon'ble Supreme Court of India in the judgment reported in *2019 (10) SCC 686* in the case of *Central Bureau of Investigation Vs. Arvind Khanna, (Crl.A.No.1572 of 2019 dated 17.10.2019)* held that the High Courts cannot record the findings on the disputed facts. The defence of the accused is to be tested after appreciation of evidence by the trial Court during the trial. Therefore, this Court has no power to consider the disputed facts under Section 482 of Cr.P.C.

8 The Hon'ble Supreme Court of India in another judgment dated *02.12.2019* passed in *Crl.A.No.1817 of 2019* in the case of *M.Jayanthi Vs. K.R.Meenakshi & anr*, held that while considering the



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petition for quashment of complaint or charge sheet, the Court should not embark upon an enquiry into the validity of the evidence available. All that the Court should see is as to whether there are allegations in the complaint which form the basis for the ingredients that constitute certain offences complained of. Further, the Court can also see whether the preconditions requisite for taking cognizance have been complied with or not and whether the allegations contained in the complaint, even if accepted in entirety, would not constitute the offence alleged. Whether the accused will be able to prove the allegations in a manner known to law would arise only at a later stage i.e., during trial.

9. Further, this Court cannot observe at this stage whether the criminal proceeding is malicious or not. The same is required to be considered at the conclusion of the trial. Therefore, the grounds raised by the petitioners to quash the final report/charge sheet cannot be entertained to quash the entire proceedings.

10. In view of the above discussion, this Court is not inclined to quash the impugned proceedings. The petitioners are at liberty to raise all the grounds before the trial Court. The personal appearance of the petitioners is dispensed with and they shall be represented by a counsel



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after filing appropriate application. However, the petitioners shall be present before the Court at the time of furnishing of copies, framing charges, questioning under Section 351 of BNSS and at the time of passing judgment. The trial Court is directed to complete the trial within a period of three months from the date of receipt of copy of this Order.

11. Accordingly, the Criminal Original Petitions stand dismissed.

Consequently, connected miscellaneous petitions are also closed.

27.03.2026

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
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To

- 1.Judicial Magistrate Court No.I, Thiruvallur
- 2.The State represented by
The Deputy Superintendent of Police,
CSCID, Thiruvallur
- 3.The Public Prosecutor,
High Court of Madras



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G.K.ILANTHIRAIYAN, J.

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