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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-11-2026

CORAM

THE HON'BLE MR. JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.No.32018 of 2026

CNR:{HCMA012360982026}

1. Shathik
   S/o.Dhasthagir,
   D.No.3/1451, Hariyanapalli Village,
   Veppanapalli, Krishnagiri District.

Case QR

2. Sathiyamoorthi
   S/o.Veerasamy,
   D.No.299, Kodiyur,
   Bethathalapalli Post,
   Krishnagiri District.

..Petitioner(s)

Vs

The State represented by,
The Inspector of Police
Civil Supplies Criminal Investigation Department
(CSCID), Krishnagiri.
Crime No.99 of 2020

..Respondent(s)

Criminal Original Petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records relating to C.C.No.67 of 2022 on the file of the Judicial Magistrate Court No.I, Krishnagiri and quash the same.

For Petitioner(s): Mr.M.Balaji

For Respondent(s): Mr.R.Ganesh Kumar
Additional Public Prosecutor

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ORDER

This petition has been filed to call for the records relating to C.C.No.67 of 2022 on the file of the Judicial Magistrate Court No.I, Krishnagiri and quash the same.

2. On the complaint, the respondent registered a FIR in Crime No.99 of 2020 for the offences punishable under Clause 6(4) of the Tamil Nadu Scheduled Commodities (Regulation of Distribution by Card System) Order, 1982 (for brevity "the TNSC (RDCS) Order") and Section 7(1)(a)(ii) of the Essential Commodities Act, 1955, alleging that on 21.12.2020, the petitioners/accused were found in possession of 64 bags of PDS rice weighing about 3,200 kg in the vehicle bearing Registration No.TN 24 AM 1604 Bolero Pickup. After completing the investigation, the respondent filed a final report before the Judicial Magistrate Court No.I, Krishnagiri and the same was taken on file as C.C.No.67 of 2022.

3. In order to constitute the offence under Clause 6(4) of the TNSC (RDCS) Order, the prosecution must establish the necessary ingredients prescribed under the said provision including the alleged purchase of the scheduled commodity from a family cardholder.

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4. In the case on hand, there is no specific material demonstrating that the petitioners had purchased the PDS rice from any identified cardholder; there is no statement of any identified family cardholder alleging that they sold the seized rice to the petitioners; and there is also no material disclosing the identity of any such cardholder, the quantity allegedly purchased from such person, the date of such alleged transaction or the place where such alleged transaction took place. Mere recovery of rice from a vehicle, without establishing the source of the commodity and the alleged purchase from a family cardholder, cannot by itself constitute an offence under Clause 6(4) of the TNSC (RDCS) Order.

5. It is relevant to extract Clause 6(4) of the TNSC (RDCS) Order, which reads as follows:

> *"No one shall purchase scheduled commodities obtained on a family card."*

Thus, it is clear that the gravamen of the offence lies in the purchase of the scheduled commodities from family cardholders.

6. In such view of the matter, the prosecution has failed to establish that the alleged seized rice was purchased from the family cardholders.

7. Further, the prosecution had relied upon the quality certificate issued by the Quality Inspector concerned, but, the entire case of the

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prosecution cannot be sustained merely on the basis of the quality certificate without any independent evidence to show that the alleged rice was purchased from a family cardholder. Therefore, if the prosecution is permitted to continue, it would amount to subjecting the petitioners to needless harassment and would result in abuse of the process of law.

8. In view of the foregoing discussions, this Court is of the view the proceedings in C.C.No.67 of 2022 on the file of the Judicial Magistrate Court No.I, Krishnagiri, cannot be sustained and the same is liable to be quashed.

Accordingly, this criminal original petition stands allowed and the proceedings in C.C.No.67 of 2022 on the file of the Judicial Magistrate Court No.I, Krishnagiri, stands quashed.

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Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

nsd

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To

1.The Inspector of Police
Civil Supplies Criminal Investigation Department
(CSCID), Krishnagiri.

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

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G.K.ILANTHIRAIYAN J.

nsd

CRL OP No. 32018 of 2026

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