



CRL OP(MD). No.18299 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 30/04/2026

CORAM

THE HONOURABLE MR. JUSTICE P. DHANABAL

CRL OP(MD). No.18299 of 2023

and

CrI.MP(MD)No.14481 & 14483 of 2023

S.Vadivel

... Petitioner/Sole Accused

Vs

1. The State of Tamilnadu Rep by its,

The Inspector of Police,

Civil Supplies Crime Investigation Department,

Tiruchirappalli.

(Ref:Crime No.109/2015). ... 1st Respondent/Complainant

2. S.Rajendran,

District Supply and Consumer Protection Officer,

O/o. District Supply and Consumer Protection Officer,

Tiruchirappalli.

... 2nd Respondent/Defacto

Complainant

PRAYER :-

To call for the records in CC No.168/2021 on the file of the Learned Judicial Magistrate No.VI, Tiruchirappalli and quash the



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same and consequential all further proceedings as against the petitioner.

For Petitioner : M/s.Shanmugaraja Sethupathi D,
Advocate.
For Respondent : Mr.B.Nambi Selvan,
Additional Public Prosecutor for R1

ORDER

This petition has been filed to quash the proceedings in C.C.No.168/2021 on the file of the Learned Judicial Magistrate No.VI, Tiruchirappalli.

2. According to the petitioner, he was working as salesman in Tiruchirappalli District Amaravathi Consumer Co-operative Wholesale Stores Limited. During the relevant period, the petitioner was working as Salesman in the Kerosene Bunk run by the above Stores which was supplying Kerosene to the Family Card Holders on ration basis. While so, the petitioner alleged to have supplied Kerosene to the cards which have been already suspended by the Authority. Since the petitioner has supplied Kerosene to the suspended card holders, he caused loss to the



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Stores. For the above said allegations, the case has been registered for the offences under Sections 6(2) and 14(1)(a) of TNSC (RDCS) Order 1982 r/w 7(i)(a)(ii) of the Essential Commodities Act. In fact, the alleged offences would not attract in this case. As per the Charge Sheet, does not make out any offences under Sections 6(2) and 14(1)(a) of TNSC (RDCS) Order 1982 r/w 7(i)(a)(ii) of the Essential Commodities Act. Even the entire allegations formed in the FIR is true, no criminal offence is made out. If at all, the action of the petitioner in supplying kerosene to the suspended card would amount to dereliction of duty, and no allegations of misappropriation are attributed against the petitioner and no criminal breach of trust or misappropriation. Further, after the allegations leveled against the petitioner, the petitioner had deposited the entire amount as per the direction of this Court in Crl.OP(MD)No.7717 of 2015 dated 23.04.2015 while granting anticipatory bail to the petitioner. Already, the petitioner was issued a charge memo on 27.07.2015 for the same set of allegations and hence, disciplinary proceeding was initiated as against him.



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Subsequently, a domestic enquiry was conducted, and he was absolved from the charges. Hence, no criminal offence would attract and thereby, filed this petition.

3. The learned counsel for the petitioner would submit that the petitioner was working as salesman in Tiruchirappalli District Amaravathi Consumer Cooperative Wholesale Stores Limited. Whiles, the District Revenue Officer inspected the Stores on 29.10.2014 and 30.10.2014 and submitted a report indicating some irregularities. On the basis of the said report, the second respondent lodged a complaint before the first respondent. On the basis of the complaint, the first respondent registered a case in Crime No.109 of 2015 as against the petitioner for the offences under Sections 6(2) and 14(1)(a) of TNSC (RDCS) Order 1982 r/w 7(i)(a)(ii) of the Essential Commodities Act. The petitioner has no knowledge about the suspension of the cards and already for the same cards, other ration items were supplied. Based on the same, the petitioner also supplied the kerosene. Further, the petitioner already deposited the loss amount of Rs.3,58,488/- as per the



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direction of this Court, and there is no criminal intention to commit any offence and even assuming that the petitioner supplied the kerosene without perusing the records, it amounts to dereliction of duty and does not constitute the offence. Therefore, the pending charge sheet as against the petitioner for the offence under Sections 6(2) and 14(1)(a) of TNSC (RDSCS) Order 1982 r/w 7(i)(a)(ii) of the Essential Commodities Act is clear abuse of process of law and hence, the same is liable to be quashed.

4. To support his contention, he relied upon the following judgments:-

1. G.Thilagan Vs. The Inspector of Police, Civil Supplies CID, Pollachi, Coimbatore District in Crl.OP.No.1297 of 2015.

2.P.Ramu in Crl.A.No.274 of 1984 reported in 1987 1 MLJ(Crl.) 330.

3.Jesudoss Vs, State represented by the Inspectro of pOlice, CS-CID, Coimbatore reported in 2001 4 CTC 746.

4.Sethukali Vs. The Inspector of Police, Civil Supply Crime Investigation, Department (Food Cell), Madurai, and Another in



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CrI.OP(MD)No.6361 of 2019.

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5. Assistant Collector of Customs, Bombay and Another Vs, L.R.Melwani and Another reported in 1970 Cri LJ 885.

5. The learned Additional Public Prosecutor appearing for the State would submit that based on the complaint lodged by the second respondent, the first respondent registered a case in Crime No.109 of 2015 for the offences under Sections 6(2) and 14(1)(a) of TNSC (RDCS) Order 1982 r/w 7(i)(a)(ii) of the Essential Commodities Act. While the petitioner was working as Salesman under the second respondent, he has supplied kerosene for the suspended card holders and thereby caused loss to the tune of Rs. 3,58,488/- and thereby, registered the above said case. Thereafter, the first respondent conducted investigation and filed final report. As per the final report, there is prima facie material available, and the trial Court has also taken cognizance and now, the case is posted for trial. Therefore, it is a matter for trial and hence, he prayed for dismissal of this petition.



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6. This Court heard both sides and perused the materials available on record.

7. It is admitted fact that the petitioner was working as Salesman in the second respondent society. At that time, he supplied kerosene for the suspended card holders. Thereby, he has been charged for the aforesaid offences. Even as per the prosecution, there are no records to show that the suspension of cards has been intimated to the petitioner and there is no dispute that for the same cards other ration goods were supplied and no action has been taken against other persons who supplied the other goods. Even assuming that the petitioner supplied kerosene for the suspended cards, that itself does not constitute the offence under Sections 6(2) and 14(1)(a) of TNSC (RDCS) Order 1982 r/w 7(i)(a)(ii) of the Essential Commodities Act. The said Act would amount to dereliction of duty and already disciplinary proceedings were initiated as against the petitioner and the said



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disciplinary proceedings was ended in favour of the petitioner and he was absolved from the charges and thereby no materials against the petitioner. Further, the petitioner already deposited the amount for causing alleged loss to the Stores as per the order of this Court. Merely because, the petitioner supplied kerosene to the suspended cards will not constitute the offences and there shall be some *mens rea* and some criminal acts have to be done by the petitioner. In this case, except the allegation that the petitioner supplied kerosene for the suspended cards, no other allegations against him and thereby, there are no materials to constitute the offences.

8. As far as Sections 6(2) and 14(1)(a) of TNSC (RDCS) Order 1982 r/w 7(i)(a)(ii) of the Essential Commodities Act is concerned, there are no material as against the petitioner that he acted contra to the Sections 6(2) and 14(1)(a) of TNSC (RDCS) Order 1982 r/w 7(i)(a)(ii) of the Essential Commodities Act. At this juncture, it is relevant to refer the judgments of the various Courts in



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G.Thilagan Vs. The Inspector of Police, Civil Supplies CID, Pollachi, Coimbatore District in Crl.OP.No.1297 of 2015, *P.Ramu in Crl.A.No.274 of 1984* reported in 1987 1 MLJ(Crl.) 330, *Jesudoss Vs, State represented by the Inspectro of pOlice, CS-CID, Coimbatore* reported in 2001 4 CTC 746, *Sethukali Vs. The Inspector of Police, Civil Supply Crime Investigation, Department (Food Cell), Madurai, and Another in Crl.OP(MD)No.6361 of 2019* and *Assistant Collector of Customs, Bombay and Another Vs, L.R.Melwani and Another* reported in 1970 Cri LJ 885 relied upon by the petitioner.

9. This Court carefully perused the above said judgments. From the above judgment, it is clear that the finding of the Disciplinary Authority in disciplinary proceedings will not have a binding effect in the criminal proceedings. However, the factual finding given by the concerned authority will have a persuasive value, and the same can be taken into consideration by the Court while dealing with the criminal proceedings since these are all



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factual findings, which forms basis for the criminal proceedings also.

9.1. Under the Tamil Nadu Scheduled Commodities (Regulation of Distribution by Card System) Order, 1982, the servants are not specifically made liable and for any act or any commission and omission of the servant, the authorised dealer alone will be held responsible. While so, the proceedings against the salesman alone for violation of 6(2) of the Order is bad.

9.2. Further, it is clear that in view of Rule 14 of the TNSC (RDCA) Order, 1982 and Section 10 of the Essential Commodities Act, it is incumbent on the part of the trying Court to find the dealer guilty and it is only on that basis its employees be convicted and also it is clear that as per Section 6(2) of TNSC (RDCS) Order 1982, the authorised dealer with whom, the family card is registered shall on production of such card by the holder, make necessary entries in the card and supply the scheduled



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commodities not exceeding the quantities for which, he is eligible.

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10. In the case on hand, to attract the above said offence, there are no material to connect the accused with the crime and none of the offences mentioned in the charge sheet attract as against the accused based on the final report and the First Information Report. In the case on hand, the Salesman alone has been arrayed as accused and the dealer has not been arrayed as accused and once the petitioner is absolved from the charges in the disciplinary enquiry, the same is the basis for the criminal proceedings and hence, the pending proceedings against the petitioner is only futile exercise and the same is liable to be quashed.

11. Accordingly, this Criminal Original Petition stands allowed and the proceedings in C.C.No.168 of 2021 on the file of the learned Judicial Magistrate No.VI, Tiruchirappalli, is hereby quashed. Consequently, the connected miscellaneous petitions are closed.

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30.04.2026

To

1. The Judicial Magistrate No.VI,
Tiruchirappalli.
2. The Inspector of Police,
Civil Supplies Crime Investigation
Department, Tiruchirappalli.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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P. DHANABAL,J

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ORDER
IN
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