



WEB COPY



Crl.OP(MD)No.23145 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.02.2026

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.O.P.(MD).No.23145 of 2025

1. Abu @ Hidayatullah

2. Hakkim @ Mohamed Hakkim

.... Petitioner /Accused No.1 & 2

Vs.

1. State Tamilnadu rep by
The Inspector of Police,
C.S.C.I.D. Trichy.
(Crime No.1156 of 2008)

... 1st Respondent /Investigating Officer

2. K.Ananda Kumar

... 2nd Respondent /Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, To Call for the records in CC No.99/2010 on the file of the Judicial Magistrate No.VI, Trichy and quash the charge sheet and the consequential further proceedings as against the petitioner and pass such further or other order as this Honble Court.

For Petitioners : Mr. T.Leninkumar

For R-1 : Mr.B.Thanga Aravindh
Government Advocate(Crl.Side)



WEB COPY



Crl.OP(MD)No.23145 of 2025

ORDER

Preface:

This Criminal Original Petition has been filed under Section 482 of the Code of Criminal Procedure, 1973, invoking the inherent jurisdiction of this Court to quash the charge sheet in C.C.No.99 of 2010 on the file of the learned Judicial Magistrate No.VI, Tiruchirappalli, for the alleged offence under Clause 6(4) of the Tamil Nadu Scheduled Commodities (Regulation of Distribution by Card System) Order, 1982, read with Section 7(1)(a)(ii) of the Essential Commodities Act, 1955.

2. The petitioner seeks to interdict the criminal proceedings on the ground that the very substratum of the prosecution case is legally untenable, unsupported by admissible evidence, and amounts to an abuse of the process of Court.

Case of the prosecution:

3. The prosecution case, as discernible from the First Information Report, charge sheet, and materials collected during investigation, in brief, is as follows:



Crl.OP(MD)No.23145 of 2025

WEB COPY

On 19.12.2008, the second respondent, while on surveillance along with his subordinates and revenue officials, intercepted a lorry bearing Registration No. TN-46-A-3159. Upon inspection, the said vehicle was found to be carrying 250 bags of rice, each weighing 50 kilograms. Based on the said interception, a case came to be registered in Crime No.1156 of 2008 for the alleged offence under Clause 6(4) of the TNSC (RDCS) Order, 1982, read with Section 7(1) (a)(ii) of the Essential Commodities Act, 1955. It is the further case of the prosecution that the second petitioner is the owner of the vehicle, the first accused was the driver of the lorry, and the first petitioner was allegedly assisting the other accused. After completion of investigation, the first respondent filed a final report against the petitioners and another, which was taken on file as C.C.No.99 of 2010 by the learned Judicial Magistrate No.VI, Tiruchirappalli.

Grounds urged for quash:

4. The petitioners assail the charge sheet primarily on the following grounds:

That the petitioners have been arrayed as accused solely on the basis of an alleged confession of one Palaniappan, who is neither an



1 1992 Supp(1) SCC 335



Submissions:

5. The learned counsel appearing for the petitioners submitted that the entire prosecution is built upon an inadmissible confession of a third party, which has no evidentiary value in law. It was contended that even assuming the seizure to be true, there is not a single material to establish that the seized rice was purchased from family card holders, which is the sine qua non for attracting Clause 6(4) of the TNSC (RDCS) Order, 1982.

6. The learned counsel further submitted that this Court has consistently held that prosecution for alleged diversion of PDS rice cannot be sustained merely on the basis of a quality certificate, in the absence of proof of purchase from card holders. It was also argued that continuation of the proceedings after an inordinate delay of 16 years, without any substantial progress, amounts to harassment and abuse of the process of Court.

7. The learned Government Advocate appearing for the respondents opposed the petition, contending that the rice seized



Crl.OP(MD)No.23145 of 2025

was meant for the Public Distribution System and that the petitioners were involved in its illegal transportation.

8. It was submitted that the seizure, the quality certificate, and the surrounding circumstances are sufficient to proceed with the trial and that the disputed questions of fact ought not to be adjudicated in proceedings under Section 482 Cr.P.C.

9. Heard the learned counsel for the petitioners and carefully perused the materials available on record.

Point for consideration:

10. The point that arises for consideration is whether the continuation of criminal proceedings against the petitioners in C.C.No.99 of 2010, in the absence of legally admissible material satisfying the essential ingredients of Clause 6(4) of the TNSC (RDSCS) Order, 1982, amounts to an abuse of the process of Court warranting exercise of inherent powers under Section 482 Cr.P.C.?



Analysis:

11. Clause 6(4) of the TNSC (RDCS) Order, 1982 reads as follows:

“No one shall purchase scheduled commodities obtained on a family card.”

12. A plain reading of the provision makes it abundantly clear that the gravamen of the offence lies in the purchase of scheduled commodities from family card holders.

13. Therefore, to attract the said provision, the prosecution must necessarily establish:

- i. that the seized commodity was obtained from family card holders, and
- ii. that the accused purchased or dealt with such commodity with knowledge thereof.

14. In the present case, admittedly, no family card holder has been examined, nor is there any material to show from whom the alleged rice was purchased.



WEB COPY

15. The petitioners have been implicated solely on the basis of an alleged confession of one Palaniappan, who is neither an accused nor a prosecution witness. It is settled law that even the confession of a co-accused is a weak piece of evidence, and the confession of a third party is wholly inadmissible.

16. This Court has repeatedly held that prosecution for diversion of PDS rice cannot be sustained merely on the basis of a quality certificate issued by a Quality Inspector, without independent evidence to show purchase from card holders.

17. The learned Magistrate, while taking cognizance, was duty-bound to apply his judicial mind to ascertain whether the materials placed before him disclose the commission of any offence against the petitioners. The order of cognizance in the present case does not reflect such application of mind.

18. The principles laid down by the Hon'ble Supreme Court in ***State of Haryana v. Bhajan Lal***² squarely apply, particularly

² 1992 Supp(1) SCC 335



Crl.OP(MD)No.23145 of 2025

WEB COPY

categories (1) and (3), as the allegations, even if taken at face value, do not constitute the offence alleged.

19. Further, the proceedings have remained pending for over sixteen years, without any meaningful progress, which by itself is a relevant factor while exercising inherent jurisdiction.

20. This Court is of the considered view that permitting the prosecution to continue would amount to subjecting the petitioners to needless harassment and would result in abuse of the process of law.

21. The inherent powers of this Court exist to prevent miscarriage of justice and to ensure that criminal law is not permitted to degenerate into a tool of oppression. When the foundational ingredients of the alleged offence are conspicuously absent, the continuation of criminal proceedings serves no legitimate purpose and undermines the very administration of criminal justice.



Crl.OP(MD)No.23145 of 2025

WEB COPY

22. In the result, this Criminal Original Petition is allowed. The charge sheet in C.C.No.99 of 2010 on the file of the learned Judicial Magistrate No.VI, Tiruchirappalli, and all consequential proceedings are hereby quashed, insofar as the petitioners are concerned. Consequently, the connected miscellaneous petitions stand closed.

27.02.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
Sml

To

- 1.The Judicial Magistrate No.VI,
Trichy.
- 2.The Inspector of Police,
C.S.C.I.D. Trichy.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.OP(MD)No.23145 of 2025

L.VICTORIA GOWRI, J.

Sml

CRL OP(MD)No.23145 of 2025

27.02.2026