



Crl.O.P(MD).No.23126 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 29.01.2026

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THE HONOURABLE **MRS.JUSTICE L.VICTORIA GOWRI**

CRL OP(MD). No.23126 of 2025
and Crl.M.P(MD).No.20037 of 2025

Meenakshisundaram

... Petitioner

Vs

1.The State of Tamil Nadu
rep., by The Inspector of Police,
Virudhunagar Police Station,
CSCID Madurai.
Crime No.122 of 2021

2.Ashok

... Respondents

PRAYER :-Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records pertaining to the impugned charge sheet C.C.No.08 of 2025 on the file of the learned Judicial Magistrate Court No.I, Virudhunagar and quash the same as illegal insofar as the petitioner is concerned.

For Petitioner : Mr.K.Dinesh
For R1 : Mr.S.Ravi
Additional Public Prosecutor
assisted by Mr.B.Thanga Aravindh
Government Advocate (crl.side)



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ORDER

Seeking quashment of the charge sheet in C.C.No.08 of 2025 on the file of the learned Judicial Magistrate No.I, Virudhunagar, this criminal original petition is filed.

2.The learned counsel for the petitioner submitted that the petitioner herein is the fifth accused in the aforesaid case pending before the trial Court. The case of the prosecution is that on 06.09.2021 at about 09.30 pm., when the respondent police were on regular patrolling duty, they had received a secret information that the accused No.1, namely, Kannan and other accused persons in his flour mill illegally were in possession of PDS rice of to the tune of 319 plastic bags of each 50 kilograms, totally 15,250 kg of PDS rice, 165 plastic bags of each 50 kilograms, totally 8220 kilo of PDS Karunai rice and 29 plastic bags of each 40 kilograms, totally 1160 kgs of PDS wheat belonging to Tamil Nadu Consumer Goods Corporation by purchasing it from general public illegally and it was also found that the said PDS rice and wheat were of Government Standard gunny, on which basis, First Information Report in



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Crime No.122 of 2021 was registered as against the petitioner and others for the offence under Section 6(4) of Tamil Nadu Scheduled Commodities (RDCS) Order, 1982 and Section 7(1)(a)(ii) of Essential Commodities Act, 1955. After completion of investigation, final report was filed in C.C.No.8 of 2025 on the file of the learned Judicial Magistrate Court No.I, Virudhunagar.

3.It is the contention of the learned counsel for the petitioner that in fact, the petitioner was not at all in the alleged scene of occurrence and it is also pointed out that the aforesaid PDS rice were seized by the first respondent police while it was being transported in a lorry belonging to one Sakthivel, which was driven by one Vicknesh, who is the third accused in the said case. The petitioner was neither in the flour mill nor in the lorry at the time of seizure of the alleged wheat and rice. He is a daily wage coolie and he is in no way connected with the said case and he is falsely implicated in the case by the first respondent police. Further, the learned counsel for the petitioner submitted that for the offence under Section 6(4) of the Tamil Nadu Scheduled Commodities (RDCS) Order, 1982, read with Section 7(1)(a)(ii) of the Essential Commodities Act,



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1955, it is mandatory that the statement of at least one of the ration card holders, from whom the offenders are alleged to have purchased the wheat or rice in question, should have been obtained. However, the charge sheet would reflect that except police witnesses, other than Observation Mahazor, no independent witnesses were incorporated and the defacto complainant himself is a Police Officer. He also pointed out that no independent witness, from whom the rice is alleged to have been purchased, has been included in the charge sheet. On that ground, this Court has already dealt with a similar case and quashed the proceedings in CrI.O.P. (MD) No. 3847 of 2025. He therefore seeks the benefit of the said order passed by this Court.

4.Per contra, the learned Additional Public Prosecutor on the basis of the counter affidavit submitted that the petitioner's contention that he is in no way connected with the offence is unfounded, for the sole reason that he himself had filed a petition in W.P(MD).No.3340 of 2022 seeking return of vehicle i.e., lorry Eicher bearing Registration No.TN 28 Q 9653, in which, this Court had passed an order of interim custody by order dated 22.02.2022. Having filed a writ petition claiming to be the



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owner of the said vehicle, the petitioner cannot now take a U-turn and contend that he is in no way connected with the offences or that he is not the owner of the vehicle. Even in the confiscation proceeding initiated by the Revenue Officer for confiscation of the said Eicher vehicle, he had appeared before the Revenue Officer and had contested the case claiming to be the owner of the vehicle.

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

6.Though the petitioner had cited the order passed by this Court in Crl.O.P. (MD) No. 3847 of 2025, I am of the considered view that the petitioner has not appeared before this Court with clean hands and had suppressed the earlier filing of W.P(MD).No.3340 of 2022 even in his affidavit and at the time of argument and only when the same is pointed out by the learned Additional Public Prosecutor, he tried to manage the arguments. Though the claim of the petitioner is on the basis of the confession made by one of the co-accused, the petitioner cannot be implicated, the order passed by this Court in the earlier writ petition



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creates suspicion as to his role in the given facts and circumstances of this case. That apart, this Court has taken note of the huge quantity of PDS rice and wheat, which has been seized by the first respondent police. Hence, this Court is of the considered view that at the time of considering the quashment of final report, this Court is required to examine only that whether the allegations as made in the charge sheet and the materials accompanying it *prima facie* discloses Commission of an offence. This Court cannot embark upon meticulous appreciation of evidence or adjudicate upon the veracity of the allegations. The materials available on record would clearly show that the petitioner had approached this Court by filing W.P(MD).No.3340 of 2022 seeking interim custody of Eicher lorry bearing Registration No.TN 28 Q 9653 claiming to be the owner of said vehicle and now, he has taken U-turn for the purpose of quashment of pending criminal case before the learned trial Court. Accordingly, the case of the petitioner fails and this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petition is closed.

29.01.2026

NCC : Yes / No
Index : Yes / No

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Internet : Yes/ No
Rmk

To

- 1.The Judicial Magistrate Court No.I, Virudhunagar.
- 2.The Inspector of Police,
Virudhunagar Police Station,
CSCID Madurai.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI,J

Rmk

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