

Quashing of Criminal Proceedings in absence of Expert Evidence

Contents

Introduction	1
Case Background.....	1
Incident Details	1
Submissions.....	2
Consideration of Submissions	2
Chargesheet Analysis:	2
Key Issue.....	2
Judgment.....	2
Findings	2
Conclusion.....	2
Final Decision	2
Outcome.....	2

Introduction

Recently the Hon'ble Supreme Court of India in Suresh & Ors versus State of Madhya Pradesh – { 2023 INSC 102} Criminal Appeal No. 3512 OF 2023 by judgment dated 24.11.2023 quashed an FIR, chargesheet and the criminal proceeding on the ground of abuse of legal process where expert report regarding petrol adulteration was not considered while filing chargesheet.

Case Background

The appellants sought to quash a First Information Report (FIR) under Sections 420 and 120-B of the Indian Penal Code and Sections 3 and 7 of the Essential Commodities Act. The FIR was related to the alleged adulteration and illegal sale of fuel.

Incident Details

The FIR was registered following the interception of a fuel tanker, alleged to have been carrying adulterated fuel, by the police in Indore. The appellants included the tanker's driver, the owner of the petrol pump where the fuel was being unloaded, and the manager of Shivam Industries.

Submissions

Appellants' Argument

The appellants argued that there was no conclusive evidence to prove the nature of the liquid in the tanker. They pointed out the lack of an expert report to confirm the adulteration.

Respondent's (State's) Argument

The State relied on the appellants' statements and circumstantial evidence, arguing that the matter should be decided at trial.

Consideration of Submissions

Chargesheet Analysis:

The prosecution alleged that the appellants were involved in creating a hydrocarbon mixture that resembled petrol and diesel, causing losses to customers and the government.

Key Issue

The absence of an expert report confirming the nature of the seized liquid was highlighted as a critical gap in the prosecution's case.

Judgment

Findings

The Court observed that no conclusive evidence was presented to show the liquid was an adulterated mixture. The lack of an expert report, even after two years, was deemed significant.

Conclusion

Due to the absence of crucial evidence and the delay in producing an expert report, the Court ruled the prosecution of the appellants as an abuse of the legal process.

Final Decision

The appeal was allowed, resulting in the quashing of the FIR and the consequent charge sheet against the appellants.

Outcome

The decision reflected the importance of conclusive evidence and expert reports in criminal proceedings, particularly in cases involving technical matters such as alleged fuel adulteration.