



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-07-2026

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THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

CRL OP No. 19082 of 2026

and

CRL MP Nos. 12703 & 12706 of 2026

N.Saravanakumar @ Kittan

Petitioner(s)

Vs

1. The State Represented by
The Inspector of Police,
Saibaba Colony Police Station,
Coimbatore City.
Crime No.180 of 2023.

2.Prem Sukumar
Sub Inspector of Police,
Saibaba Colony Police Station,
Coimbatore City.

Respondent(s)

PRAYER: Criminal Original Petition filed under Section 528 of BNSS, 2023, to call for the entire records relating to the Charge Sheet in C.C.No.252 of 2025 on the file of the Additional District Judge, Special Court for Essential Commodities Act Case, Coimbatore and quash the same by allowing this Criminal Original Petition.

For Petitioner(s): Mr.R.Prabakar

For Respondent(s): Mr.M.Mohamed Riyaz
Government Advocate (Crl.Side)
For R1



ORDER

This Criminal Original Petition is filed to quash the final report in C.C.No.252 of 2025 on the file of the Additional District Judge, Special Court for Essential Commodities Act Cases, Coimbatore.

2. Upon considering the First Information Report, the materials collected during the investigation and the final report, the allegation against the petitioner is that he was found to be in possession of 1 kg and 100 gms of ganja.

3. The learned counsel for the petitioner would seek this Court to interfere on the 7th canon as ruled by the Supreme Court in *State of Haryana vs. Bajan Lal* [1992 Supp (1) SCC 335], as this case is only on account of *mala fides* and only to wreak vengeance against the petitioner.

4. The learned counsel for the petitioner placed on record several materials in respect thereof. There was an earlier FIR in Crime No.74 of 2023. Some orders were also passed earlier by this Court with reference to transfer of investigation, quashing of the FIR, etc. Therefore, according to the learned counsel enraged by those earlier proceedings, the present false case is put up against the petitioner.



5. There can be no quarrel over the proposition that if the case of the prosecution is infested by *mala fide* and without a genuine intention of prosecuting, and it is registered only to wreak vengeance, this Court can interfere in exercise of powers under Section 482 of the Code of Criminal Procedure. In this case, several factors are cumulatively pleaded to infer such *mala fide* action. Therefore, this Court cannot incontrovertibly take each and every one of those facts and decide at this stage of quashing the proceedings itself. Therefore, the facts of this case require that the petitioner should cross examine the prosecution witnesses by using all those documents and the *mala fide* intention has to be established out only during the course of the trial. In view thereof, this is not a fit case to interfere.

6. At this stage, the learned counsel for the petitioner would plead for the hardship and considering the hardship pleaded, the presence of the petitioner before the trial court, except for such hearings as may be insisted upon by the trial Court, stands dispensed with.

7. Accordingly, this Criminal Original Petition is disposed of. Consequently, connected Miscellaneous Petitions are closed.

20-07-2026

Jd

Neutral Citation: Yes/No



To

1. The Additional District Judge,
Special Court for Essential Commodities Act Case, Coimbatore.

2. The Inspector of Police,
Saibaba Colony Police Station, Coimbatore City.
Crime No.180 of 2023.

3. The Public Prosecutor,
Madras High Court.



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D.BHARATHA CHAKRAVARTHY J.
jd

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