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Crl.O.P.No.22703 of 2026

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 14.08.2026**

**CORAM**

**THE HON'BLE MR JUSTICE G.K. ILANTHIRAIYAN**

**Crl.O.P.No.22703 of 2026**

**and**

**Crl.M.P.No.15096 of 2026**

Ravi

... Petitioner

VS.

The State rep by the Inspector of Police,  
J-8 Neelankarai Police Station,  
Chennai Dist.  
(Cr.No.499/2025).

... Respondent

**PRAYER:-** Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to quash the Charge Sheet in CC.No.1251 of 2025 in Crime No.499 of 2025 on the file of the 1<sup>st</sup> Additional Special Judge under EC and NDPS Act, Chennai.

For Petitioner : Mr.H.Eshwar

For Respondent : Mr.R.Ganesh Kumar  
Counsel for Government of Tamil Nadu  
(Criminal Side)



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## **ORDER**

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This Criminal Original Petition has been filed to quash the proceedings in CC.No.1251 of 2025 on the file of the 1<sup>st</sup> Additional Special Judge under EC and NDPS Act, Chennai.

2. The case of the prosecution is that the petitioner was found in possession of 10 grams of Methamphetamine, it is a commercial quantity. After completion of all the process, the respondent registered FIR in Crime No.499 of 2025 for the offences punishable under Sections 8(c), 22(b) and 27(a) of the Narcotic Drugs and Psychotropic Substances Act, 1985 and the petitioner was arrested and remanded to the judicial custody. After completion of investigation, the respondent filed final report and the same has been taken cognizance by the Trial Court in C.C.No.1251 of 2025.

3. The learned counsel appearing for the petitioner submits that the petitioner is physically challenged person and he is a income tax assessee. On the date of alleged occurrence, the petitioner was not in the scene of crime and there was no recovery from the petitioner. The petitioner was purchasing snacks from a local bakery and his presence was also clearly



captured in the CC TV footage. There is no independent witness examined by the respondent.

4. The learned Counsel for Government of Tamil Nadu (Criminal Side) appearing for the respondent submits that the trial has been commenced and some of the witnesses have been examined in this case.

5. Heard the learned Counsel appearing on either side and perused the materials placed on record.

6. It is seen that on the complaint lodged by the 2<sup>nd</sup> respondent, the respondent registered a case in Crime No.499 of 2025 for the offences punishable under Sections 8(c), 22(b) and 27(a) of the Narcotic Drugs and Psychotropic Substances Act, 1985. After completion of investigation, the respondent filed final report and the same has been taken cognizance in C.C.No.1251 of 2025 by the trial Court and it is pending. To quash the said criminal proceeding, the petitioner filed the present petition.

7. On perusal of the records and also on the submission made by the learned counsel for either side, it is revealed that the petitioner is a habitual



offender, so far he is involved in 22 cases including several offences under Section 302 of IPC. That apart, the grounds raised by the petitioner can be considered only before the Trial Court during the trial by leading evidence. That apart, there was recovery from the petitioner in the presence of witnesses. Therefore, there are specific allegations as against the petitioners to attract the charges under Sections 8(c), 22(b) and 27(a) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

8. The Hon'ble Supreme Court of India in the judgment reported in **2019 (4) SCC 351** in the case of **Devendra Prasad Singh Vs. State of Bihar & Anr., (Crl.A.No.579 of 2019 dated 02.04.2019)** while dealing with the petition to quash the entire criminal proceedings held that the High Courts have no jurisdiction to appreciate the statement of the witnesses and record a finding that there were inconsistencies in their statements and therefore, there was no *prima facie* case made out as against the accused. It could be done only by the trial Court while deciding the issues on the merits or/and by the Appellate Court while deciding the appeal arising out of the final order that the charge sheet has been laid on the basis of the inconsistency statement under Section 161 of Cr.P.C./180 of the Bharatiya Nagarik Suraksha Sanhita, 2023.



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9. Further, the Hon'ble Supreme Court of India in the judgment reported in **2019 (10) SCC 686** in the case of ***Central Bureau of Investigation Vs. Arvind Khanna, (Crl.A.No.1572 of 2019 dated 17.10.2019)*** held that the High Courts cannot record the findings on the disputed facts. The defence of the accused is to be tested after appreciation of evidence by the trial Court during the trial. Therefore, this Court has no power to consider the disputed facts under Section 482 of Cr.P.C./528 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

10. The Hon'ble Supreme Court of India in another judgment dated **02.12.2019** passed in **Crl.A.No.1817 of 2019** in the case of ***M.Jayanthi Vs. K.R.Meenakshi & anr,*** held that while considering the petition for quashment of complaint or charge sheet, the Court should not embark upon an enquiry into the validity of the evidence available. All that the Court should see is as to whether there are allegations in the complaint which form the basis for the ingredients that constitute certain offences complained of. Further, the Court can also see whether the preconditions requisite for taking cognizance have been complied with or not and whether the allegations contained in the complaint, even if accepted in entirety, would not constitute the offence alleged. Whether the accused will be able to prove the



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allegations in a manner known to law would arise only at a later stage i.e., during trial.

11. Further, this Court cannot observe at this stage as to whether the initiation of criminal proceeding itself is malicious or not. The same is required to be considered at the conclusion of the trial. Therefore, the ground raised by the petitioner to quash the final report/charge sheet cannot be entertained.

12. In view of the above discussion, this Court is not inclined to quash the proceedings in CC.No.1251 of 2025 on the file of the 1<sup>st</sup> Additional Special Judge under EC and NDPS Act, Chennai. The petitioner is at liberty to raise all the grounds before the trial Court.

13. Accordingly, the Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petition is closed.

**14.08.2026**

Index: Yes/No  
Speaking/Non-speaking order  
Neutral Citation: Yes/No  
dm

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To

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- 1.The 1<sup>st</sup> Additional Special Judge under EC and NDPS Act,  
Chennai.
- 2.The Inspector of Police,  
J-8 Neelankarai Police Station,  
Chennai Dist.
- 3.The Public Prosecutor,  
High Court, Madras.



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**G.K. ILANTHIRAIYAN, J.**

dm

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