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CrI.O.P(MD) No.6999 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.06.2026

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

CrI.O.P(MD) No.6999 of 2026

and

CrI.M.P(MD) Nos.7541 and 10820 of 2026

S.Jeyapal

... Petitioner/Sole Accused

Vs

1. The State of Tamil Nadu,
Represented by the Inspector of Police,
Cheranmahadevi Police Station,
Tirunelveli District.
(In Crime No.226 of 2026)

... 1st Respondent/Complainant

2. Nithya
W/o.Mr.Devadass
C2, Sub-Inspector of Police,
Pathamadaai, Cheranmahadevi Taluk,
Tirunelveli.

... 2nd Respondent/
Defacto Complainant

PRAYER: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the entire records pertaining to the FIR in Crime No.226 of 2026 on the file of the first respondent Inspector of Police, Cheranmahadevi Police Station, Tirunelveli District and quash the same as far as the petitioner is concerned.



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For Petitioner : Mr.A.Ramesh
Senior Counsel
for Mr.Dhilipan Pandian R.L

For R1 : Mr.P.Samuel Gunasingh
Counsel for State of TN (CrL.Side)

For R2 : No appearance

ORDER

The present petition has been filed by the sole accused in Crime No. 226 of 2026 on the file of the first respondent police seeking to quash the FIR, wherein the petitioner is alleged to have committed offences under Sections 6 and 24(1) of the Cigarettes and other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act 2003. (hereinafter referred as Act)

2. A perusal of the FIR reveals that at about 07.00 p.m on 27.03.2026, the respondent authority recived an information that the petitioner is storing and distributing Tobacco (gutka) products and “MAR MOUTH CHILL” products which are likely to endanger the general public, they conducted a raid and seized the same. The value of the products is around Rs.1,00,000/- (Rupees One Lakh only) to a tune of 141 Kg.



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3. According to the learned Senior Counsel appearing for the petitioner, they are not tobacco products and they are mouth freshners which does not contain nitcotine. The learned Senior Counsel appearing for the petitioner has relied upon the lab report which indicates that it does not contain Nitcotine.

4. Interim order was granted by this Court and the respondents were directed to file a counter. Paragraph Nos.8 and 9 of the counter affidavit filed by the respondent police is extracted as follows:

“8. I submit that the material collected during enquiry revealed that the petitioner was carrying on the business of distributing and selling products which were packed and marketed in a manner resembling tobacco products. The Food Analyst, Guindy, in Test Report No.ACT-07/2026-2027, dated 13.04.2026, specifically opined that the product “MAR Mouth Chill” was packed in non food filter pillow pouches and that accidental consumption of the packing material may endanger human life. The report further states that the product was misleadingly marketed, resembled tobacco products in appearance and usage pattern, and was capable of misleading consumers.



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Therefore, the seized product cannot be treated as a harmless commodity and raises serious concerns relating to public health.

9. I submit that the petitioner cannot seek quash merely on the ground that the Food Analyst subsequently reported absence of nicotine in the sample. The test report itself records that the product is misleading, misbranded and capable of endangering consumers and has recommended action under the Food Safety and Standards Act, 2006. Whether the product attracts provisions of the COTPA Act, the Food Safety and Standards Act, 2006, or any other penal provisions is a matter that can be determined only upon completion of investigation and not at the threshold stage by invoking the inherent jurisdiction of this Hon'ble Court."

5. A perusal of the counter affidavit reveals that the lab report of the Food Analyst clearly points out the absence of nicotine in the sample. In such circumstances, there cannot be any doubt whatsoever the Act is not applicatble to the products that has been seized by the respondent police officials.



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6. In such view of the matter, this Court has no hesitation whatsoever to quash the FIR as against the petitioner.

7. The learned Senior Counsel appearing for the petitioner submitted that 141 Kgs of products which have been seized have to be returned to the petitioner in view of quashing of the FIR.

8. The learned Counsel for State of TN (CrI.Side) appearing for the first respondent submitted that the police officials handed over the 141 kgs products to the Food Safety Official and he has already taken these samples. He further submits that they are ready to hand over the entire seized material of 141 Kg on execution of bond as contemplated under the proviso to Section 38(1) of Food Safety and Standards Act, 2006.

9. In view of the above said facts, this Court is inclined to pass the following order:

(a) FIR in Crime No.226 of 2026 on the file of the first respondent stands quashed;

(b) the first respondent is directed to address a communication to the petitioner through the



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concerned Food Safety official calling upon him to execute a bond as contemplated under the proviso Section 38(1) of the Food Safety and Standards Act, 2000; and

(c) On execution of such bond, the entire seized quantity of 141 kg shall be returned to the petitioner within a period of (15) fifteen days from the date of receipt of the bond.

10. With the above said observation, this Criminal Original Petition is allowed. Consequently, connected Miscellaneous Petitions are closed.

17.06.2026

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To

- 1.The Inspector of Police,
Cheranmahadevi Police Station,
Tirunelveli District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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R.VIJAYAKUMAR,J.

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