



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.10.2018

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL.O.P. (MD) No.17750 of 2018

and

CRL.M.P. (MD) No.7865 of 2018

1.Seeni  
2.Sugumari  
3.Vasuki

... Petitioners

-Vs-

State Represented by  
The Inspector of Police,  
Melur Police Station,  
Madurai District.  
(Crime No.411 of 2018)

... Respondent

**PRAYER:** Criminal Original Petition filed under Section 482 of Cr.P.C, praying, to call for the records relating to the FIR in Crime No.411 of 2018 on the file of the Inspector of Police, Melur Police Station, Madurai District, dated 27.06.2018 and quash the same as against the petitioners.

For Petitioners : Mr.B.Mohan  
For Respondent : Mr.M.Chandra Sekaran,  
Additional Public Prosecutor.

**ORDER**

This petition has been filed to quash the First Information Report in Crime No.411 of 2018. The respondent police registered the First Information Report against the petitioners for the offences under Sections 8(c) and 20(b)(II)(B) of the NDPS Act.

2.The First Information Report reveals as if the contraband was seized at Melur Bus Stand and the second accused was found in possession of 8 Kilo and 500 Grams of Ganja. Further, when this Court considered the bail petition filed by the petitioner, took note of the glaring discrepancy in the CD file, wherein it was found that recovery was made while conducting ride in the house of the petitioner. The relevant portion of the order passed by this Court in the bail petition is extracted hereunder:-



"3.The petitioner's earlier anticipatory bail petition was dismissed, since it was alleged that the petitioner's past conduct is bad. The petitioner has come out with this second application for anticipatory bail. The learned counsel for the petitioner submitted that the Special Branch Inspector, by name, Mr.Stephenraj had arrested certain drug accused and based on the information given by them, he had raided the house of the petitioner. The learned counsel also confidently asserted that the said Stephenraj had given a special report in this regard.

4.This Court call upon the learned Government Advocate (Criminal Side) to pass on the CD file. When this Court went through the contents of the CD file, the report of the said Stephenraj was found enclosed. The said report confirms the submissions now made by the learned counsel for the petitioner. But the FIR reads otherwise. Since there is a total discrepancy between what is set out in the FIR and the report of the said Stephenraj, this Court entertain a serious doubt regarding the very genesis of the prosecution."

3.It is clear from the above that there is a very serious doubt on the very genesis of the case and genuineness of the First Information Report registered by the respondent police. It is clear that a false case has been foisted against these petitioners. Even if the final report is filed in this case, this glaring discrepancy will continue with regard to the recovery of the contraband. Therefore, no useful purpose will be served by keeping this case pending.

4.In the result, the First Information Report in Crime No.411 of 2018 is hereby quashed. Accordingly, this Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar (CS-IV)



To

1. The Inspector of Police,  
Melur Police Station,  
Madurai District.

WEB COPY

2. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

+1 CC To MR.S.DEENADHAYALAN, Advocate SR. NO. 89803

**CRL.O.P. (MD) No.17750 of 2018**  
**10.10.2018**

MYR

TR/SKN/SAR-IV(29.10.2018)3P 4C