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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 01.11.2019

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

**Crl.O.P. (MD).No.9388 of 2017**

**and**

**Crl.M.P. (MD) Nos.6378 & 6379 of 2017**

1. M/s. Lifecare Neuro Products Limited,  
70/1, Dharampur, Near EPIP,  
Phase-II, Baddi-173205, Himachal Pradesh,  
Represented by its Technical Director / Authorized  
person Attam Chand Malhotra son of  
Shri Param Dev Malhotra.

2. Yogender Chopra,  
son of Som Dutt Chopra,  
Director of M/s. Lifecare Neuro Products Limited,  
70/1, Dharampur, Near EPIP,  
Phase-II, Baddi-173205, Himachal Pradesh.

3. Attam Chand Malhotra  
s/o Shri Param Dev Malhotra,  
Technical Director / Authorized  
person of M/s. Lifecare Neuro Products Limited,  
70/1, Dharampur, Near EPIP,  
Phase-II, Baddi-173205,  
Himachal Pradesh.

... Petitioners/Accused 1 to 3

vs.

State of Tamil Nadu,  
Represented by Drugs Inspector-II,  
Mobile Squad, Office of the Assistant Director of Drugs Control,  
Plot No.28, 1<sup>st</sup> Floor,  
Kuruvikkaransalai 1<sup>st</sup> Cross Street, Sathamangalam,  
Anna Nagar, Madurai-20.

... Respondent/ Complainant

**PRAYER:** Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to call for the records in S.T.C.No.316 of 2016, on the file of the Judicial Magistrate, Pudukkottai and quash the same.

For Petitioners : Mr.C.Muthu Saravanan

For Respondent : Mr.M.Chandrasekaran  
Additional Public Prosecutor,



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**ORDER**

This Criminal Original Petition has been filed to quash the proceedings in S.T.C.No.316 of 2016, on the file of the Judicial Magistrate, Pudukkottai.

2. The various grounds raised by the learned counsel for the petitioners are all factual in nature and the same requires appreciation of evidence in the course of the trial and the said exercise cannot be done by this Court in exercise of its jurisdiction under Section 482 of Cr.P.C. It is left open to the petitioners to raise all the grounds before the Court below and the Court below shall consider the same on its own merits and in accordance with law. This Court does not want to interfere with the proceedings at this stage.

3. The learned counsel appearing for the petitioners requested this Court to dispense with the presence of the petitioners. Taking into consideration, the facts and circumstances of the case, the presence of the petitioners is dispensed with and they shall be represented by a counsel, who shall cross examine the witnesses on the same day, they are examined in Chief. The petitioners shall be present before the Court below at the time of questioning under Section 313 Cr.P.C and at the time of passing of the final judgement.

4. This Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings in S.T.C.No.316 of 2016, on the file of learned Judicial Magistrate, Pudukkottai, within a period of three (3) months from the date of receipt of copy of this order. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

Sub Assistant Registrar(CS)

Tsg

To

1. The Judicial Magistrate, Pudukkottai.

2. The Drugs Inspector-II,

Mobile Squad, Office of the Assistant Director of Drugs Control,  
Plot No.28, 1<sup>st</sup> Floor,  
Kuruvikkaransalai 1<sup>st</sup> Cross Street, Sathamangalam,  
Anna Nagar, Madurai-20.



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

+1CC TO MR.C.MUTHUSARAVANAN, Advocate Sr. No. 95768

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Order made in  
**Crl.O.P. (MD) .No.9388 of 2017**  
Dated: 01.11.2019

SCR(CO)  
TR(14.11.2019) 3P 5C