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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 23.11.2021

C O R A M

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

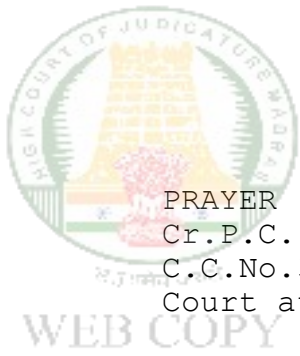
CrI. O.P. No.2500 of 2017 &
CrI.M.P.Nos.1754 and 1755 of 2017

1. M/s. Krishco Medical Products Pvt. Ltd.,
Rep. by its Managing Director
Mr.M.K.Narayan, aged 55 years
New No.37, Old No.13/1, Sivaji Street
T.Nagar, Chennai - 600 017
2. Mr.M.K.Narayan
aged 55 years
Managing Director
M/s. Krishco Medical Products Pvt. Ltd.,
New No.37, Old No.13/1, Sivaji Street
T.Nagar, Chennai - 600 017
3. M/s. Krishco Medical Products Pvt. Ltd.,
Rep. by its Managing Director
Mr.M.K.Narayan, aged 55 years
Third Main Road, 5th Cross, Srinivasa Nagar
BSK 1 Stage, Bangalore - 50
4. Mr.M.K.Narayan, Managing Director of
M/s. Krishco Medical Products Pvt. Ltd.,
Third Main Road, 5th Cross, Srinivasa Nagar
BSK 1 Stage, Bangalore - 50
...Petitioners /Accused 1, 2, 4 & 5

Versus

The State of Tamil Nadu
Rep. by M.Rani M.Pharm
Drugs Inspector, T.Nagar Range
O/o. The Assistant Director of Drugs Control
Zone III, D.M.S.Campus
259-261, Anna Salai
Teynampet, Chennai - 600 006

...Respondent/ Complainant



PRAYER : Criminal Original Petition filed under Section 482 of Cr.P.C. to call for the records of the proceedings in C.C.No.3144 of 2016 on the file of IV Metropolitan Magistrate Court at Saidapet, Chennai and quash the complaint.

For Petitioners ... Mr.N.R.Ilango
Senior Counsel
for Mr.T.D.Selvan Babu

For Respondent ... Mr.S.Vinoth Kumar
Government Advocate (Crl.side)

O R D E R

This Criminal Original Petition has been filed to quash the proceedings in C.C.No.3144 of 2016 on the file of IV Metropolitan Magistrate Court at Saidapet, Chennai.

2. Heard the learned senior counsel appearing for the petitioners and the learned Government Advocate (Crl.side) appearing on behalf of the respondent.

3. The learned senior counsel for the petitioners submitted that though it has not been stated in the complaint that catheters are sterile or not, in the counter statement it is stated that it is Sterile. It is his further contention that only from 23.12.2013, a non-steriled catheter is also made an offence, but in this case, the inspection was conducted on 18.10.2013 itself. It is his further contention that the supplies have been obtained from Accused No.4, which is the principal company in Bangalore and mere transfer of goods to Accused No.1, which is a branch cannot constitute an offence.

4. On a perusal of Rules 62 of Drugs and Cosmetics Rules, 1945, this Court is of the view that unless there is separate permission or licence obtained in this regard, the sale is prohibited in more than one place.

5. When this Court pointed out this Rule to the learned senior counsel and this Court was to about dismiss the petition, learned senior counsel fairly submitted with he will withdraw the application with liberty to raise all the legal pleas before the trial Court.

6. Accordingly, this Criminal Original Petition is dismissed as withdrawn and the liberty is granted to the petitioners to raise all the legal pleas before the trial Court. However, personal appearance of the petitioners is



dispensed with except for receiving copies and answering charges and 313 questioning or any other date that may be fixed by the trial Court. Consequently, the connected miscellaneous petitions are closed.

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Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

gba/gpa

To

1. The IV Metropolitan Magistrate Court
Saidapet, Chennai
2. The Public Prosecutor
Madras High Court
Chennai.
3. The Inspector, T.Nagar Range
O/o. The Assistant Director of Drugs Control
Zone III, D.M.S.Campus
259-261, Anna Salai
Teynampet, Chennai - 600 006.

CrI. O.P. No.2500 of 2017 &
CrI.M.P.Nos.1754 and 1755 of 2017

NMI [co]
NSK 06/12/2021