



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.02.2021

CORAM :

THE HONOURABLE MRS. JUSTICE R. HEMALATHA

CrI.OP.(MD)No.2376 of 2021 &

CrI.MP(MD)No.1233 of 2021

WEB COPY

S.Umarani

... Petitioner

vs.

1.State Through,
The Inspector of Police,
M.Chatrapatti Police Station,
Madurai District.

2.Maruthamuthu
Sub-Inspector of Police,
M.Chatrapatti Police Station,
Madurai District.

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to call for the records in Crime No.1215 of 2020 on the file of the first respondent police and quash the same as illegal.

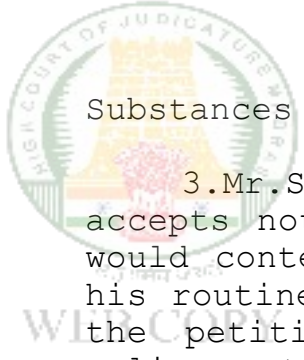
For Petitioner : M/s.S.Malaikani

For R1 : Mr.S.Chandrasekar
Additional Public Prosecutor

ORDER

The present petition has been filed seeking to quash the First Information Report in Crime No.1215 of 2020 of M.Chatrapatti Police Station, Madurai District.

2.M/s.S.Malaikani, learned counsel appearing for the petitioner contended that the second respondent-Maruthamuthu, who is the Sub-Inspector of Police intercepted the petitioner while she was riding her two-wheeler and took her to M.Chatrapatti Police Station, Madurai District. Thereafter, he arrested the petitioner contending that the petitioner was in possession of 450 grams of Ganja. According to the learned counsel for the petitioner, a false case has been foisted against the present petitioner, who is a physically challenged person, working in Anganvadi. The specific contention of the learned counsel for the petitioner is that there is no reason for the petitioner to be in possession of 450 grams of Ganja. She also drew the attention of this Court to Sections of Law in the First Information Report in Crime No.1215 of 2020 and contended that though 450 grams of Ganja is a small quantity, the police has mentioned the offences as one under Section 20(b)(ii)(A) instead of



Substances Act, 1985.

3.Mr.S.Chandrasekar, learned Additional Public Prosecutor, who accepts notice on behalf of the first respondent, on instructions, would contend that on 16.12.2020 when the second respondent was on his routine rounds at Kancharampettai bus stop, at about 10.00 a.m, the petitioner, who was riding her two-wheeler, on seeing the police, attempted to escape from the scene of occurrence and the police intercepted and found that she was in possession of 450 grams of Ganja. Thereafter, the police arrested her and after sending 50 grams of Ganja for chemical analysis produced Ganja before the concerned Magistrate for judicial custody. According to him, the police investigation is going on a right track and there is no ground to quash the First Information Report in Crime No.1215 of 2020.

4.It is true that even as per the police report, the petitioner was in possession of 450 grams of Ganja and as per the schedule, possession of 450 grams of Ganja attracts the offence punishable under Section 20(b)(ii)(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985. But mere quoting of wrong provision of law cannot be a ground to quash the First Information Report in Crime No.1215 of 2020. Furthermore, merely because the petitioner is physically challenged, the First Information Report cannot be quashed. Similarly, when no animosity is shown against the Inspector of Police, the contention of the petitioner that a false case has been foisted against her also cannot be sustained.

5.In the circumstances, I do not find any reason to quash the entire proceedings in Crime No.1215 of 2020 of M.Chatrapatti Police Station, Madurai District and accordingly, the present petition is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(T & P)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sjj

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To

1.The Inspector of Police,
M.Chatrapatti Police Station,
Madurai District.

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

+1 CC to M/s.S.MALAIKANI, Advocate (SR-5427[F] dated 16/02/2021)

CrI.OP.(MD)No.2376 of 2021
16.02.2021

ma (CO)
TR(25.03.2021) 3P 4C