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**[IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 10.07.2023**

**CORAM**

**THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH**

**CrI.O.P No.3231 of 2022**  
**and CrI.M.P No.1476 of 2022**

Sundar @ Sundaram

Petitioner

VS.

1.State rep. By:  
The Inspector of Police,  
T12, Poonamallee Police Station,  
Poonamallee,  
Chennai - 56.

2.The Sub-Inspector of Police,  
T12, Poonamallee Police Station,  
Poonamallee,  
Chennai - 56.

Respondents

**PRAYER:** Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the entire records connected with the FIR in Crime No.1287 of 2018 dated 09.11.2018, under Sections 7, 9(2) of the Cigarette and other Tobacco Products Acts, 2003 and Section 328 of IPC, on the file of the 1<sup>st</sup> respondent, T12, Poonamallee Police Station, Poonamallee, Chennai – 56, herein and quash the same.

For Petitioner : Mr.K.Gajendiran

For Respondents : Mr.A.Gopinath  
Government Advocate (Crl. Side)



**ORDER**

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This petition has been filed seeking to quash the FIR in Crime No.1287 of 2018, pending investigation on the file of the 1<sup>st</sup> respondent.

2.Heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side).

3.The case of the prosecution is that they had seized banned tobacco products from the subject property. Nearly five thousand kilos of tobacco products was stocked in the subject property. Based on the same, an FIR came to be registered in Crime No.1287 of 2018 for offence under Sections 7 and 9(2) of the Cigarette and other Tobacco Products Acts, 2003 and Section 328 of IPC.

4.The petitioner is arrayed as an accused only on the ground that he is the owner of the property. The petitioner has entered into a lease agreement with one Muthulingam and except for the fact that the petitioner is the owner of the property, there is nothing to show that the petitioner is also involved in the offence. The continuation of the investigation as against the petitioner (A7) will amount to an abuse of process of law. At the best, the petitioner can be made as a witness in this case by the respondent police by recording the statement under Section 161(3)



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5. In the light of the above discussion, investigation in Crime No.1287 of 2018 pending on the file of the 1<sup>st</sup> respondent police is quashed insofar as the petitioner is concerned. There shall be a direction to the 1<sup>st</sup> respondent to complete the investigation and file the final report, within a period of two months from the date of receipt of copy of this order.

6. This criminal original petition is allowed with the above directions. Consequently, connected miscellaneous petition is closed.

**10.07.2023**

Index : Yes/No  
Internet : Yes/No  
Speaking Order/Non-Speaking Order  
ssr

To

1. The Inspector of Police,  
T12, Poonamallee Police Station,  
Poonamallee, Chennai - 56.

2. The Sub-Inspector of Police,  
T12, Poonamallee Police Station,  
Poonamallee, Chennai - 56.

3. The Public Prosecutor,  
High Court of Madras,  
Madras.



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**N. ANAND VENKATESH,. J.**

SSR

**Crl.O.P No.3231 of 2022**  
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