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Crl.O.P.No.6092 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.03.2023

CORAM:

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.6092 of 2023

Abu Zaid Sheik Dawood

... Petitioner

Vs.

The State,
Rep by the Inspector of Police
Tiruchengode Police Station,
Namakkal District

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records relating to the F.I.R No.477 of 2021 on the file of the Tiruchengode Town Police Station, Namakkal and quash the same.

For Petitioner : Mr.R.Kamaraj

For Respondent : Mr.S.Santhosh
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed to call for the records relating to the F.I.R No.477 of 2021 on the file of the Tiruchengode Town Police Station, Namakkal and quash the same.



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2.The learned counsel for the petitioner submitted that petitioner is only an employee under the first accused. He has no connection with the sale of banned substances namely hans packets. Thus, he prayed for quashment of proceedings in F.I.R No.477 of 2021.

3.In response, the learned Government Advocate (Criminal side) submitted that petitioner was the sales man in the shop owned by the first accused. Both were responsible for procurement and sale of the banned substances namely hans packet. Investigation is pending. Chemical analysis report is received and final report would be filed.

4.Considered the rival submissions and perused the records.

5.The First Information Report allegations shows that at about 18.30 hours on 22.07.2021, Police party rided Raguman Grocery shop of first accused and found hans packets were sold. Hans packets 85 numbers, containing 300 gram worth Rs.12750/- were recovered. Petitioner was a sales man under the first accused in Raguman Grocery shop. He is also responsible for selling the banned substances. Therefore, the case was registered for the



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offence under Section 20 (2) Cigarette and other Tobacco Products Acts 2003 and 323 I.P.C. against the petitioner by Thiruchengodu Police Station.

6.The First Information Report allegations clearly make out a case against the petitioner for registration of First Information Report for the commission of cognizable offence. The investigation is almost completed, but for the receipt of chemical analysis report. In the said circumstances, this Court is not inclined to entertain the quashment of proceedings in F.I.R.No.477 of 2021 on the file of the respondent.

7. Accordingly, this Criminal Original Petition is dismissed.

16.03.2023

Internet:Yes
Index:Yes/No
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G.CHANDRASEKHARAN, J.

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To:

1. Inspector of Police
Tiruchengode Police Station,
Namakkal District.
2. The Public Prosecutor,
High Court of Madras.

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