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Crl.O.P.No.7038 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 23.11.2023

CORAM :

THE HONOURABLE Dr. JUSTICE G.JAYACHANDRAN

Crl.O.P.No.7038 of 2023

and

Crl.M.P.No.4397 of 2023

Murugan

... Petitioner

-VS-

1. State, rep. by
Inspector of Police,
E-5, Sholavaram Police Station,
Sholavaram,
Tiruvallur District.
(Crime No.194 of 2023).

2.S.Venkatesan

...Respondents

PRAYER : Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, call for the entire records comprised in FIR in Crime No.194/2023 dated 07.03.2023 pending on the file of 1st Respondent, the Inspector of Police, E-5, Sholavaram Police Station, Sholavaram, Tiruvallur District and quash the same.

For Petitioner : Mr.M.Vimal Bobby Crimson

For 1st Respondent: Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)



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ORDER

The petitioner herein is found in possession of banned tobacco products, the case has been registered under Sections 353, 506(i) and 328 of IPC and Section 24(1) of Cigarette and Other Tobacco Products Act, 2003, citing pending of Writ Appeal regarding classification of Tobacco under Food Safety Act, this petition to quash the FIR has been filed.

2. However, a reading by material relied by the prosecution case is not only under Food Safety Act, also under Cigarette and Other Tobacco Products Act, and under IPC, it has to be investigated de-hors the Food Safety Act. It is brought to the notice of this Court that there are previous cases of similar nature against this petitioner. Taking note of the fact that there are no ground to interfere with investigation and the case does not fall within the parameters laid down by the Hon'ble Supreme Court in *Neeharika Infrastructure Pvt. Ltd., v. State of Maharashtra and others* reported in **2021 SCC OnLine SC 315**, *this petition is to be dismissed.*

3. Hence, this Criminal Original Petition is dismissed and it is open to the petitioner to challenge the FIR at the appropriate stage if necessary. Consequently, connected miscellaneous petition is closed.



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Index : Yes/No

Neutral Citation : Yes/No

ssn

To

1. The Inspector of Police,
E-5, Sholavaram Police Station,
Sholavaram,
Tiruvallur District.
2. The Public Prosecutor,
Madras High Court, Madras.



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Dr.G.JAYACHANDRAN, J.,

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