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Crl.OP.No.9950 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.06.2023

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THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.9950 of 2023 and
Crl.M.P.No.6559 of 2023

E.Vasanth

...Petitioner

Vs.

The State represented by its
Sub-Inspector of Police
E-1, Ponneri Police Station,
Thiruvallur District.
(FIR Cr.No.466 of 2019
dt.25.11.2019)

... Respondent

PRAYER : This Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the entire records culminated in FIR Cr.No.466 of 2019 dated 25.11.2019, on the file of respondent Police and quash the same as illegal.

For Petitioner : Mr.R.Vijayakumar

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl side)



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ORDER

This Criminal Original Petition has been filed to call for the entire records culminated in FIR Cr.No.466 of 2019 dated 25.11.2019, on the file of respondent Police and quash the same.

2.It is the submission of the learned counsel for the petitioner that petitioner was unlawfully taken from his residence on 22.11.2019 and a case in Cr.No.466 of 2019 was foisted against the petitioner. Though the First Information Report was registered on 25.11.2019, till date final report is not filed. Thus, this petition.

3.In response, the learned Government Advocate (Criminal side) submitted that investigation is almost completed and the respondent Police is waiting for the receipt of chemical analysis report. Once, the chemical analysis report is received, final report would be filed before the competent Court.



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4.It is seen from the First Information Report allegations that on 25.11.2019, petitioner was found with a cover near Ponneri railway station at about 5.00 P.M. On seeing the Police party, he tried to flee from there. He was apprehended and after following necessary procedure, the contraband was seized from him. It was found that the cover contained 1.100 gram of Ganja. Thus, First Information Report came to be registered for the offence under Sections 8 (c) r/w 20 (b) (II) (B) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

5.In support of the submission of learned counsel for petitioner that petitioner was unlawfully taken from his residence on 22.11.2019 and the case in Cr.No.466 of 2019 was foisted against him, there is no material produced by the petitioner. In the absence of any material in support of the case of the petitioner, this Court cannot entertain quashing of F.I.R in Cr.No.466 of 2019 dated 25.11.2019, on the file of respondent Police. Left with the First Information Report allegations, this Court finds that there is a *prima-facie* material available to show that the petitioner was found with illegal possession of Ganja weighing 1.100 gram. It has to be investigated as submitted by the



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learned Government Advocate (Criminal side). The investigation is almost over, but for the receipt of chemical analysis report. Therefore, this Court finds there is no merits in seeking quashment of the proceedings in Cr.No.466 of 2019.

6. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed. Respondent Police is directed to expedite the receipt of chemical analysis report and file final report within a period of four weeks from the date of receipt of copy of this order.

01.06.2023

Index : Yes / No
Speaking / Non Speaking order
ep

To

1. The State represented by its
Sub-Inspector of Police
E-1, Ponneri Police Station,
Thiruvallur District.

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2.The Public Prosecutor,
High Court of Madras.

G.CHANDRASEKHARAN,J.

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