



WEB COPY

Crl.O.P.No.10899 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.10899 of 2023

and

Crl.M.P.No.6864 of 2023

1.Mahendran

2.Munusamy

... Petitioners

-VS-

1. State, rep. by
The Inspector of Police,
T-4, Shankar Police Station,
Tambaram,
Chennai.
(Crime No.201 of 2023).

2.Purushothaman

...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.201/2023 dated 13.04.2023 pending on the file of 1st Respondent, the Inspector of Police, T-4, Shankar Police Station, Tambaram, Chennai and quash the same.

For Petitioner : Mr.M.Vimal Bobby Crimson



WEB COPY

Crl.O.P.No.10899 of 2



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

ORDER

The petitioners herein are found in possession of banned tobacco products, the case has been registered under Sections 328 of IPC and Section 20(2) of Cigarette and Other Tobacco Products Act, 2003, citing pending of Writ Appeal regarding classification of Tobacco under Food Safety Act, the petition to quash the FIR has been filed.

2. However, a reading by material relied by the prosecution, this is not only under Food Safety Act, and Cigarette and Other Tobacco Products Act, it is also 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 petitioners. Taking note of the fact that there is 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 to quash cannot be entertained.

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



23.11.2023

Index : Yes/No

Neutral Citation : Yes/No

ssn

To

1. The Inspector of Police,
T-4, Shankar Police Station,
Tambaram,
Chennai.
2. The Public Prosecutor,
Madras High Court, Madras.



WEB COPY

Crl.O.P.No.10899 of 2



Dr.G.JAYACHANDRAN, J.,

ssn

Crl.O.P.No.10899 of 2023
and
Crl.M.P.No.6864 of 2023



WEB COPY

Crl.O.P.No.10899 of 2



23.11.2023