



CrI.O.P.No.27590 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.12.2023

CORAM:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

CrI.O.P.No.27590 of 2023

Abdul Latheep

.. Petitioner

/versus/

State rep.by
The Sub-Inspector of Police (L & O),
T-18, Thalambur Police Station,
Navalur,
Chennai-600 130.

.. Respondent

Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the entire records in connection with the F.I.R.in Crime No.140 of 2023, on the file of the respondent police and quash the same.

For Petitioner :Mr.C.Balasubramaniam

For Respondent :Mr.Leonard Arul Joseph Selvam
Government Advocate (CrI.Side)

ORDER

This Criminal Original Petition is filed to quash the First Information Report registered under Section 8(c), 20(b)(ii)(B), 25 & 29(1) of NDPS Act,

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1985, for the alleged possession of 2 Kgs of Ganja. The petitioner and others were arrested.

2. According to the prosecution, the car bearing Registration No.KL 40 T 0002 was intercepted during the vehicular check, resulted in recovery of Ganja weighing 2 Kgs. This petitioner was one of the occupant in the car.

3. The learned counsel appearing for the petitioner contended that the petitioner is a student studying in a private college at Bangalore and he came to Chennai for a trip along with others and nothing was recovered from him, but a case was foisted against him on suspicion.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police states that the petitioner, who was travelling in a Kerala registration car was intercepted during vehicular check on 12.06.2023 at about 5.30 a.m. At that time a red colour Volkswagen Polo car tried to pass



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the barricade ignoring the signal to stop. After pursue, the car was intercepted and checked. From the occupants of the car 2 Kgs of Ganja was seized under Mahazar. The petitioner and other occupants were arrested and remanded to prison.

5. Since the material available for serious offence, the case does not fall within the parameter laid down by the Hon'ble Supreme Court in *Neeharika Infrastructure Pvt Ltd., /Vs/ State of Maharashtra and Others* reported in **2021 SCC Online SC 315** though in the petition it is claimed that it falls under the parameter. Hence this Criminal Original Petition is dismissed.

08.12.2023

Index:yes/no

Netural Citation:yes/no

rpl

To:

1.The Sub-Inspector of Police (L & O),
T-18, Thalambur Police Station,
Navalur, Chennai-600 130.

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Dr.G.JAYACHANDRAN,J.

rpl

2.The Public Prosecutor, High Court, Madras.

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