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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2023

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THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

CrI.OP.No.902 of 2023

and

CrI.MP.No.487 of 2023

Sivakumar

... Petitioner

-Vs-

The Inspector of Police
Pollachi East Police Station,
(Crime No.490 of 2022)

... Respondent

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the entire records connected with the FIR in Cr.No.490 of 2022 on the file of the respondent police.

For Petitioner : Mr.D.Sathya

For Respondents : Mr.S.Santhosh
Government Advocate (Criminal Side)

ORDER

This Criminal Original Petition has been filed seeking to quash the FIR in Cr.No.490 of 2022, on the file of the respondent police.

2. The learned counsel for the petitioner submitted that the FIR



allegation shows that the petitioner was found to be in possession of tobacco products only and there is no allegation that the petitioner was trying to sell the tobacco products to any person who is under the age of 18 years, or in an area within a radius of hundred yards of any Education Institution. Thus, the learned counsel for the petitioner submitted that the registered FIR in Crime No.490 of 2022 for an offence under Section 24(1) of Cigarette and other Tobacco Products Act, 2003 and 328 of IPC, is illegal.

3. On the other hand, the learned Government Advocate submitted that tobacco products were possessed by the petitioner for the purpose of selling in his petty shop. A sample of tobacco products was sent for chemical analysis and the report is still awaited and investigation is pending in this case. The learned Government Advocate, therefore, prayed for dismissal of this petition.

4. Heard the rival submissions on either side and perused the records.

5. From the FIR allegations, it can be gathered that the petitioner was found to be in possession of tobacco products for the purpose of selling in petty shops. Whether he intended to sell the tobacco products to any person who is



under the age of 18 years and in an area within a radius of hundred yards of any

Education Institution, would be known only after completion of the investigation.

In this case, the investigation is pending and the chemical analysis report is not received. As of now, FIR allegation makes out cognizable offence against the accused of the complaint, requiring investigation by the respondent police.

6. In such view of the matter, there is no merits in this petition and accordingly, the Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is also closed.

19.01.2023

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Index : Yes/No

Internet: Yes/No

Speaking Order : Yes/No

To

1. The Inspector of Police
Vaniyambadi Town Police Station,
Thirupathur District.

2. The Public Prosecutor,
High Court, Madras.

G.CHANDRASEKHARAN,J.



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