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CrI.O.P.No.27380 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:13.12.2023

CORAM:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

CrI.O.P.No.27380 of 2023

K.Dineshkumar @ Dinesh

.. Petitioner

/versus/

State Rep.by
Inspector of Police,
N-4, Fishing Harbour Police Station,
Chennai 600 013.
Crime No.121 of 2022

.. Respondent

Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records and papers relating to C.C.No.460 of 2022 on the file of Principal Special Judge, Special Court under EC & NDPS Act and pass order to quash .

For Petitioner :Mr.M.G.Martinmanivannan

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



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ORDER

This Criminal Original Petition is filed to call for the records and papers relating to C.C.No.460 of 2022 on the file of Principal Special Judge, Special Court under EC & NDPS Act and pass order to quash.

2. The learned counsel appearing for the petitioner wants to quash the First Information Report registered against the petitioner herein in Crime No.121 of 2022 for the offence under Sections 8(c), 22(c) and 29(1) of Narcotic Drugs and Psychotropic Substances Act for the alleged possession MDMA-ECSTASY tablets in 23 numbers, totally weight 11 grams.

3. The learned counsel appearing for the petitioner submitted that this case is foisted against the petitioner herein and it could be easily seen from the documents, such as previous First Information Report registered by the very same Inspector and the photographs were taken by the wife of the petitioner.



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4. According to the learned counsel for the petitioner, the petitioner was secured by the respondent police day before formal recording of the arrest and he was initially kept at Esplanade Police Station and thereafter, taken to the station at Mylapore. Ultimately case booked against him for Fishing Harbour Police Station. Further, he submitted that there is discrepancies in seizure and arrest, which could be seen from the records to show that the Inspector of Police, who has alleged to have got information, and secured the petitioner herein and registered the First Information Report, could not have been there in that time, place and manner in which described in the First Information Report.

5. To buttress his submission, the learned counsel also annexed the First Information Report No.120 of 2022 registered at Fishing Harbour, Washermenpet Police Station on 25.06.2022 for the suspicious death under Section 174 of Cr.P.C and the next First Information Report against the petitioner herein was registered on 26.06.2022. He also submitted that the previous First Information Report was suspicious in death, which came to be



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registered at 22.30 hours on receiving the information at Station. Whereas the First Information Report registered against this petitioner indicates that the Inspector of Police while in station at about 20.00 hours received information through his informant about the sale of Narcotic Drugs and Psychotropic Substances near Fishing Harbour, Gasa ground and he proceeded to the spot, after reducing the information in writing as per the NDPS Act and after getting information. At the same point of time, the Inspector of Police could not have been at both the Station and Casa Grand. Therefore, the very registration of the First Information Report itself is doubtful and it is liable to be quashed.

6. This criminal original petition is filed on the ground of frivolous and flimsy reasons. The learned counsel appearing for the petitioner canvassed a point of alibi and said that the accused was secured long before the formal recording of arrest. These facts are to be tested before the trial Court. This Court cannot conduct mini trial based on the photographs and earlier First Information Report to decide about the alibi or detention for



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more than 24 hours in the police station. Hence, this Criminal Original
Petition is dismissed.

13.12.2023

Index:yes/no

Netural Citation:yes/no

Speaking order/Non speaking order
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To:

1.The Principal Special Judge, Special Court for Exclusive Trial of Cases
under EC & NDPs Act, Chennai.

2.The Inspector of Police, N-4, Fishing Harbour Police Station, Chennai.

3.The Public Prosecutor, High Court, Madras.

DR.G.JAYACHANDRAN,J.

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