



Crl.O.P.Nos.146 & 147 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.01.2024

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.Nos.146 & 147 of 2024

and

Crl.M.P.Nos.129 to 132 of 2024

M.Murugan

... Petitioner in Crl.O.P.No.146 of 2024

M/s.Oxaid (India) gases (P) Ltd,
rep. by Managing Director M.Murugan.
New No.72, Old No.267A
Royapettah High Road,
Royapettah, Chennai – 14.

....Petitioner in Crl.O.P.No.147 of 2024

Vs.

The State
rep. by Drugs Inspector
Mylapore Range
O/o.The Assistant Director of Drugs Control
Zone III, Chennai – 6.

...Respondent in both petitions

Common Prayer: Criminal Original Petition under Section 482 of the Criminal Procedure Code to call for records and quash the proceedings against the petitioner in Calender Case No.2571 of 2021 on the file of the IV Metropolitan Magistrate Court, Saidapet.



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For Petitioner in
both Crl.O.P.s : Mr.C.Jagadish

For Respondent in
both Crl.O.P.s : Mr.A.Damodaran
Additional Public Prosecutor.

ORDER

These petitions have been filed challenging the proceedings initiated by the respondent against the petitioners under Sections 18(c) of the Drugs and Cosmetics Act, 1940 punishable under Section 27(b)(ii) and 27(d) of the said Act.

2. The grounds raised by the counsel for the petitioners are all factual in nature and it requires appreciation of evidence and this Court cannot decide the same in exercise of its jurisdiction under Section 482 of Criminal Procedure Code. It is left open to the petitioners to raise all the grounds before the Court below and the same shall be considered on its own merits and in accordance with law. This Court is not inclined to interfere with the proceedings pending before the Court below.



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3. In the instant case, the warrant trial instituted otherwise than on a police report must be followed under Chapter XIX B of Cr.P.C. Therefore, the petitioner will have an opportunity to file a discharge petition even after the stage under Section 244 of Cr.P.C. Hence, the petitioner can still wait for this stage to see if the prosecution has made out a ground for framing of charges under Section 246 of Cr.P.C. If according to the petitioner, no ground is made out, it is left open to the petitioner to file a discharge petition under Section 245 of Cr.P.C at the appropriate stage. Except giving this clarity, no further orders can be passed in this petition. The petitioner shall be permitted to be represented through a counsel and he shall be present before the Court below only as and when required by the Court.

4. This Criminal Original Petition is disposed of in the above terms. Consequently, connected miscellaneous petitions are also closed.

24.01.2024

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Index : Yes/No

Speaking order: Yes/No

Neutral citation: Yes/No



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N.ANAND VENKATESH,J

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To

- 1.The IV Metropolitan Magistrate,
Saidapet.
- 2.The Public Prosecutor,
High Court, Madras.

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and
Crl.M.P.Nos.129 to 132 of 2024

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