



WEB COPY



Crl.O.P.No.18336 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.08.2024

CORAM

THE HONOURABLE DR.JUSTICE **G.JAYACHANDRAN**

Crl.O.P.No.18336 of 2024

Sandhosh @ Sandhoshkumar

... Petitioner

Vs.

State Rep.by
The Inspector of Police,
Prohibition Enforcement Wing,
Coimbatore City.

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleased to call for the records and to quash the First Information Report in Crime No.285/2023 on the file of Prohibition Enforcement Wing, Coimbatore City.

For Petitioner : Mr.M.Saravanakumar

For Respondent : Mr.K.M.D.Muhilan
Government Advocate (Crl.Side)

ORDER

The petitioner herein is the 2nd accused in Crime No.285 of 2023 registered in connection with recovery of 250 gms of Ganja. The petitioner seeks quash of the FIR on the ground that the recovery of



Crl.O.P.No.18336 of 2024

Ganja was only from the possession of A1 and not from this petitioner.

Further, the provisions of Section 328 IPC will not attract for the act alleged to have been committed by this petitioner.

2. The learned Government Advocate (Crl.Side) appearing for the respondent police states that based on the secret information, the Inspector of Police, PEW, intercepted a 40 years old man carrying white colour plastic carry bag and he on seeing the police party, tried to fled. The riding team arrested him and found his name is Harihara Kumar and recovered 100 gms of Ganja, after following mandatory provisions contemplated under the Act. On the information given by the said Harihara Kumar, next day the premises of the petitioner was searched and 250 gms of Ganga was recovered from his possession. The investigation is almost completed after getting the analysis report, final report is likely to be filed soon. He further submitted that the Investigating Officer had taken decision to drop offence under Section 328 IPC since it is not attracted and only Sections 8(c) and 20(b)(ii)(A) & 25 of NDPS Act alone is made out.



CrI.O.P.No.18336 of 2024

3. Recording the same, this Criminal Original Petition is disposed of.

01.08.2024

Index : Yes/No

Neutral Citation : Yes/No

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To

1.The Inspector of Police,
Prohibition Enforcement Wing,
Coimbatore City.

2.The Public Prosecutor,
High Court of Madras,
Chennai.



CrI.O.P.No.18336 of 2024

Dr.G.JAYACHANDRAN,J.

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CrI.O.P.No.18336 of 2024

01.08.2024