



Crl.O.P.No.17919 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.11.2024

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THE HON'BLE MR. JUSTICE P.VELMURUGAN

Crl.O.P.No.17919 of 2024

and

Crl.M.P.Nos.5960, 10628 & 10629 of 2024

Ganesh Moorthi

... Petitioner

Vs.

State represented by
The Inspector of Police,
N-4, Fishing Harbour PS,
Chennai.

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to the case in C.C.No.274 of 2023 on the file of the Additional Special Judge, Exclusive Trial for EC and NDPS Act, Chennai and quash the same.

For Petitioner : Mr.D.Selvam

For Respondent : Mr.S.Vinoth Kumar
Government Advocate (Crl.Side)



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ORDER

This Criminal Original Petition has been filed to call for the records pertaining to the case in C.C.No.274 of 2023 on the file of the Additional Special Judge, Exclusive Trial for EC and NDPS Act, Chennai and quash the same.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) appearing for the respondent and perused the materials available on record.

3. Learned counsel for the petitioner submitted that the respondent police without following the rules as contemplated under NDPS Act, registered a case as against the petitioner in Crime No.289 of 2022 and laid a charge sheet. Once the procedures are not meticulously followed by the respondent police, the petitioner/accused need not face the trial. Hence, he filed the present petition.



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4. In support of his contentions, the learned counsel for the petitioner placed reliance on the following judgments reported in

- i. 2000(8) SCC 590 [*Roy V.D Vs. State of Kerala*]
- ii. 2023 Live Law (SC) 570 [*Simarnjit Singh Vs. State of Punjab*]
- iii. and Order of High Court, Madras dated 08.07.2024 passed in Crl.O.P.No.15724 of 2024 [*A.Gunasekaran @ Guna Vs. The Inspect of Police, Chennai*].

5. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that the since the petitioner was found in suspicious manner, he was searched and from his possession, 6 grams of methamphetamine was recovered and his statement was also recorded. Since the present petition is pending before this Court, the trial court unable to frame charges. Hence, he seeks dismissal of this petition.

6. It is seen from the records, it is stated in the complaint that during patrol, the respondent police found suspected persons and recovered 6 grams of methamphetamine from the petitioner and his



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confession statement also recorded.

7. Admittedly, the petitioner has been arrayed as A1 and case in Crime No.289 of 2022 has been registered by the respondent police. After completion of investigation, charge sheet has also been laid before the Special Court for Exclusive Trial for EC and NDPS Act, Chennai. The learned Special Court has also taken cognizance and a charge sheet has been filed in C.C.No.274 of 2023. The grounds raised by the petitioner are matter for trial. Hence, this Court is not inclined to allow this petition. The decisions referred by the learned counsel for the petitioner are not applicable to the present case on hand.

8. Accordingly, the Criminal Original Petition is dismissed. Consequently, connected miscellaneous petitions are closed. However, the petitioner is at liberty to take all his defence before the trial court. Personal appearance of the petitioner in C.C.No.274 of 2023 on the file of the Additional Special Judge Exclusive Trial for EC and NDPS Act, Chennai is dispensed with.

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Index: Yes/No



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Speaking Order: Yes/No
Neutral Citation: Yes/No

P.VELMURUGAN, J.

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