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Crl.O.P.No.31859 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :12.01.2024

CORAM :

THE HON'BLE MRS. JUSTICE T.V. THAMILSELVI

Crl.O.P.No.31859 of 2022
and
Crl.M.P.No.19548 of 2022

Vishnu Kumar

... Petitioner

Versus

State Rep. by its
The Inspector of Police,
E-1, Mylapore Police Station,
Chennai-600 004.

... Respondent

Criminal Original Petition filed Under Section 482 of the Code of Criminal Procedure, praying to call for the records on the file of the respondent in FIR.No.312 of 2021 dated 13.05.2021 and quash the same.

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

ORDER

The petitioner has filed this petition to call for the records in
FIR.No.312 of 2021 dated 13.05.2021 on the file of the respondent and quash

the same.

<https://www.mhc.tn.gov.in/judis>



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WEB COPY 2. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he was falsely implicated in this case. He was working as a Pharamacist in Tagore Medical College and never acted in a manner prejudiced to the establishment and has never been accused of such offence before and projecting him as an immoral trafficker of drugs which is unwarranted. He further submitted that when the tablet was set to be in possession of the petitioner, the respondent has not stated to whom it was supposed to be delivered or for what purpose it was bought and there is no information about the recipient of the drugs. When no such recipient of the drug has been mentioned, it is imaginary on the part of the respondent to form a story that the drug to be delivered to some unknown person and hence the drug was being transported illegally and based on that the petitioner was framed in this case. Hence, he prays to quash the proceedings in Crime No.312 of 2021.

3. The learned Government Advocate (Crl.Side) submitted that on the date of alleged occurrence, the petitioner posted 7 vials of Remdesivir medicine and illegally purchased the same without any permission from the wholesale merchant and also declared that he sold it in the market for higher



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price. On enquiry, the prosecution has found those facts and lodged the complaint against him.

4. On a perusal of the records it reveals that he is a pharmacist in Tagore Medical College and even the prosecution admits that he has no previous case against him and during Covid-19 pandemic period, he posted 7 vials of Remdesivir. Admittedly, there was a strict rule followed to keep the said medicine without proper licence and not permitted to sell it to public in those period. Out of frustration he had taken medicine in order to provide it to the known person. Considering the facts and circumstances, and he did it with bonafide intention, further more, except this case he has no other antecedents, this Court is inclined to quash the proceedings pending in FIR in Crime No.312 of 2021.

5. Accordingly, this Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

12.01.2024

Index : Yes/No
Speaking/Non Speaking order
Neutral Citation: Yes/No
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T.V.THAMILSELVI, J.
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To

1. The Inspector of Police,
E-1, Mylapore Police Station,
Chennai-600 004.
2. The Public Prosecutor,
High Court of Madras.

CrI.O.P.No.31859 of 2022
and
CrI.M.P.No.19548 of 2022

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