



Crl.O.P.No.16789 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2024

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.16789 of 2022

and

Crl.M.P.Nos.10096 and 10098 of 2022

1.M/s.Deo Pharmaceuticals Pvt. Ltd.,
Plot No.60, 61, Krishna Indl.Estate,
Vanagaram, Mettukuppam,
Chennai – 600 095,
Rep.by its Managing Director
Mr.S.Suresh Babu.

2.S.Suresh Babu

... Petitioners

Vs.

State of Tamil Nadu
rep.by Senior Drugs Inspector,
Zone IV, O/o.The Assistant Director of Drugs Control,
Zone IV, Chennai – 6.

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C.,
praying to call for records in C.C.No.180 of 2021 on the file of the Chief
Judicial Magistrate, Thiruvallur and quash the same.



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For Petitioners : Mr.T.D.Selvan Babu
For Respondent : Mr.S.Vinoth Kumar
Government Advocate (Crl. Side)

ORDER

The petitioner has filed this Criminal Original petitions to quash the proceedings C.C.No.180 of 2021 on the file of the Chief Judicial Magistrate, Thiruvallur, in which cognizance was taken for the offences under Sections 18(a)(i) Section 18(c) r/w 74(c) and 74(d) of the Drugs and Cosmetics Rules, 1940.

2. The 1st petitioner is a manufacturer of medicinal and pharmaceutical formulations and has been in this business for over two decades. The petitioner's factory holds a GMP compliance certificate along with other quality and regulatory certificates issued by the Central and State drug control authorities from time to time. The petitioners have valid manufacturing licenses for their factory issued by the Drugs Controller of Tamil Nadu State, which are kept current by paying the retention fee. The 1st petitioner adheres to good manufacturing practice (GMP) standards in its manufacturing unit. As there is no violation on their part, the petitioners have approached this Court to quash the proceedings against them.



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3. Upon reviewing the report, it is revealed that the sample taken from the petitioner firm was tested by the Director of the Appellate Central Drugs Laboratory, Kolkata, at the request of the lower Court. The sample was declared “of Standard Quality” in the report dated 28.06.2021, as it contained 0.0075% w/w of Iron, which aligns with the label claim. The remarks in the certificate stated that the sample conforms to the manufacturer's specification concerning the assay/content of Iron in Feracrylum Gel. Therefore, the analysis report from the Central Drugs Laboratory authenticates that the sample is of standard quality. Consequently, the proceedings under Sections 18(a)(i) of the Drugs and Cosmetics Rules, 1940, are not maintainable as the sample is of standard quality. Although there are allegations of not maintaining proper records, these can be rectified. The petitioners are directed to maintain proper records in this regard.

4. Thus, this Court is inclined to quash the proceedings in C.C.No.180 of 2021 on the file of the Chief Judicial Magistrate, Thiruvallur.



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T.V.THAMILSELVI, J.

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5. Accordingly, this Criminal Original Petition is allowed.

Consequently, connected miscellaneous petitions are closed.

07.03.2024

Speaking Order/ Non Speaking Order

Index: Yes/ No

Neutral Citation: Yes/No

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To.

1.The Chief Judicial Magistrate, Thiruvallur.

2.The Senior Drugs Inspector, Zone IV,
O/o.The Assistant Director of Drugs Control,
Zone IV, Chennai – 6,
State of Tamil Nadu.

3. The Public Prosecutor,
High Court of Madras,

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and

Crl.M.P.Nos.10096 and 10098 of 2022