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CrI.O.P.No.22635 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.10.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

CrI.O.P.No.22635 of 2024

1. Mr.Sathish.

2. Rejiwins.

... Petitioners/Accused

/versus/

The State represented by,
Inspector of Police,
S-6, Shankar Nagar Police Station,
Tambaram Commissionerate,
Crime No.450 of 2021.

... Respondent/Complainant

Prayer: Criminal Original Petition is filed under Section of 528 of BNSS, pleaded to call for the records of the Crime No.450 of 2021 on the file of the Respondent Police for the alleged offences under Sections 8(c) and 20(b)(ii)(A) of the Narcotic Drugs and Psychotropic Substances Act, 1985 and quash the same.

For Petitioner : Mr.AGD Bala Kumar.

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



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ORDER

The Learned Government Advocate (CrI.Side) for the respondent states that investigation in Crime No.450 of 2021, dated 09.07.2021 completed long back but due to some administrative reason, final report could not be filed immediately and it has been filed before the Judicial Magistrate No.1, Pallavaram on 15.09.2024 through e-filing No.LTN20230002766C202400224.

2. The impugned F.I.R against these petitioners is for the alleged possession of 250 grams of Ganja held by the 1st petitioner/Sathish and sale proceeds of Rs.500/- from 2nd accused/Rejiwins. The case under Section 8(c) and 20(b)(ii)(A) been registered against them on 09.07.2021 and they were arrested and remanded to judicial custody on the same day.

3. Section 20(b)(ii)(A) of NDPS Act, deals with possession of Ganja which is small quantity that is less than 1 kg punishable with rigorous imprisonment for a term which may extend to one year, or with fine, which may extend to ten thousand rupees, or with both.



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4. Section 468 (2) (b) of Cr.P.C., deals with limitation prescribed

to take cognizance of any offence punishable for a period not exceeding one year. However, Section 473 of Cr.P.C., provides for *Extension of period of limitation*: Notwithstanding anything contained in the code regarding limitation for taking cognizance provided Court is satisfied on the facts and circumstances of the case that the delay has been properly explained or cognizance is necessarily to be taken in the interest of justice.

5. On holistic consideration of the facts of the case and Section 468(2)(b) of Cr.P.C as well as Section 473 of Cr.P.C, this Court is of the view that, admittedly the final report was made ready in the year 2022 itself but only after filing the quash petition, the respondent police has thought fit to file the final report through e-filing No.LTN20230002766C202400224 on 15.09.2024. Since, the case is hopelessly barred by limitation for taking cognizance, the quash petition is allowed. Accordingly, this Criminal Original Petition is allowed. The complaint in Crime No.450 of 2021 on the file of the respondent police is hereby quashed.

19.10.2024

Index : Yes/No



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Neutral Citation : Yes/No

bsm

To:-

1. The Inspector of Police, S-6, Shankar Nagar Police Station,
Tambaram Commissionerate, Chennai.
2. The Public Prosecutor, High Court, Madras.



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Dr.G.JAYACHANDRAN, J.

bsm

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