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CrI.O.P.(MD)No.15136 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **25.03.2024**

CORAM:

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

CrI.O.P.(MD) No.15136 of 2022

and

CrI.M.P.(MD).No.9907 of 2022

1.Arumugam

2.Balu

3.Murugesan

... Petitioners

Vs.

The State represented by
the Inspector of Police,
Medical College Police Station,
Thanjavur District.
Crime No.183 of 2022

...Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for records and quash the FIR registered by the first respondent in Crime No.183 of 2022, dated 20.03.2022 against the petitioners.

For petitioners

: Mr.V.Raghavachari,
Senior Counsel
for Mr.S.Ramesh

For Respondent

: Mr.B.Nambi Selvan,
Additional Public Prosecutor



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ORDER

This petition has been filed seeking to quash the proceedings in Crime No.183 of 2022 for the offence punishable under Sections 5, 7(1), 7(2) and 24(1) of the Cigarette and Other Tobacco Products Act, 2003 and 328 IPC against the petitioners.

2. The case of the prosecution is that the petitioners herein were found in illegal possession of tobacco leaves. Hence, the respondent Police registered a case in Crime No.183 of 2022 against the petitioners. Challenging the same, the present petition has been filed.

3. The learned counsel appearing for the petitioners would submit that the alleged offence registered against the petitioners may not arise in view of the decision rendered by this Court in W.P.(MD).No. 18115 of 2022 etc batch, dated 18.07.2022. He would further submit that this Court permits the petitioner to produce the above said decision before the concerned Investigating Officer.

4. In view of the above, this Court directs the respondent Police to conclude the investigation in Crime No.183 of 2022 after



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providing an opportunity to the petitioner within a period of twelve weeks from the date of receipt of a copy of this order and after completing the process, if the respondent Police satisfied that there is offence against the petitioner, he is directed to file a charge sheet before the concerned Court and if the respondent Police satisfied that there is no offence against the petitioner, he is directed to close the complaint as “action dropped”.

5. With the above direction, the Criminal Original Petition stands disposed of. Consequently, the connected miscellaneous petition is closed.

25.03.2024

Index : Yes/No

Internet : Yes/No

NCC : Yes / No

TSG

To

1.The Inspector of Police,
Medical College Police Station,
Thanjavur District.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI. J.

TSG

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