



Crl.O.P.(MD)No.19710 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.02.2024

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THE HON'BLE MRS.JUSTICE R.HEMALATHA

Crl.O.P.(MD) No.19710 of 2021

and

Crl.M.P.(MD) No.11062 of 2021

G.Guru

... Petitioner

Vs.

The State rep.by
The Inspector of Police,
Orathanadu Police Station,
Thanjavur District.
(In Crime No.704 of 2021)

... Respondent

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, 1973, to call for the records in C.C.No.39 of 2021 on the file of the District Munsif Cum Judicial Magistrate, Orathanadu and quash the same as against the petitioner.

For Petitioner : Mr.H.Mohammed Imran

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor



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CrI.O.P.(MD)No.19710 of 2021

ORDER

Seeking to quash the charge sheet filed by the police before the District Munsif Cum Judicial Magistrate, Orathanadu in C.C.No.39 of 2021 the present Criminal Original Petition is filed.

2.The petitioner herein is A1 in the above said C.C.No.39 of 2021. The case of the prosecution is that on 02.07.2021, when the Sub Inspector of Police along with his team went near Theraditheru, Orathanaadu found the present accused and others in possession of 100 grams of ganja. Some of the accused fled away from the scene of occurrence and the present petitioner was arrested. The Contraband and a sum of Rs.900/- were seized from him and was brought to the Police Station. FIR in Cr.No.704 of 2021 was registered against the six accused persons for the offences punishable under Sections 8 (c) and 20 (b) (ii) (A) of the Narcotic Drugs & Psychotropic Substances Act, 1985. The Inspector of Police, after conducting investigation laid a final report in C.C.No.39 of 2021 for the above said offences.



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3.The learned counsel appearing for the petitioner would contend that in the instant case the investigation officer and the person who registered FIR are one and the same. Therefore, the entire final report has to be quashed. His further contention is that the present petitioner did not commit any offence as alleged by the prosecution.

4.Per contra, the learned Additional Public Prosecutor would contend that FIR was registered by the Sub Inspector of Police, Orathanaadu Police Station and the Inspector of Police conducted the investigation and filed the final report. His next contention is that the present petitioner was found in possession of 100 grams of ganja and he was arrested by the Sub Inspector of Police when he was on routine rounds with his team of Police officials. They had also seized a sum of Rs.900/- from the present petitioner.

5.The only ground urged by the learned counsel for the petitioner is that the registration of FIR and conduct of investigation were done by the same Police officer. In the instant case when FIR was registered by the Sub-Inspector of Police and the investigation was done by the Inspector of



Crl.O.P.(MD)No.19710 of 2021

Police and hence, I do not see any reason to quash the final report on this ground. Accordingly, the present petition stands dismissed.

Consequently, connected miscellaneous petition is closed.

23.02.2024

Index: Yes/ No
Neutral Citation: Yes / No
Speaking Order / Non-Speaking Order

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Crl.O.P.(MD)No.19710 of 2021

To

- 1.The District Munsif Cum Judicial Magistrate,
Orathanadu.
- 2.The Inspector of Police,
Orathanadu Police Station,
Thanjavur District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl.O.P.(MD)No.19710 of 2021

R.HEMALATHA, J.

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Crl.O.P.(MD) No.19710 of 2021

23.02.2024