



WEB COPY



Crl.O.P.(MD)No.20621 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.03.2024

CORAM:

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

Crl.O.P.(MD) No.20621 of 2022

and

Crl.M.P.(MD).No.14345 of 2022

Pitchaikani

... Petitioner

Vs.

1.State through
the Inspector of Police,
Virudhunagar Police Station,
Virudhunagar
Crime No.174 of 2022

2.V.Veerasamy

...Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to the impugned FIR in Crime No.174/2022 on the file of the respondent police and quash the same as far as the petitioner is concerned.

For petitioner : Mr.S.Ramsundarvijayaraj

For R-1 : Mr.S.Manikandan,
Government Advocate
(Criminal Side)

For R-2 : No appearance

ORDER

This criminal original petition has been filed to quash the first

<https://www.mhc.tn.gov.in/judis> information report in Crime No.174/2022 on the file of the respondent



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police for offences under Section 6 (b) of Cigarette and other Tobacco Products Acts, 2003.

2. The case of the prosecution is that it is alleged that the respondent police during patrolling found the petitioner with a bag, which contains banned Tobacco products and hence, a case has been registered under Section 6 (b) of Cigarette and other Tobacco Products Acts, 2003.

3. The learned counsel appearing for the petitioner would submit that without going into the merits of the case, this Court may issue a direction to the first respondent police to complete the investigation within a stipulated period by providing an opportunity to the petitioner, in order to disprove the complaint preferred by the second respondent and prove his innocence.

4. The learned Government Advocate (Criminal Side) appearing for the respondent Police would submit that since the petitioner was found in possession of tobacco products, the case was registered and the investigation in this case will be completed within a period of twelve weeks.



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5. In view of the fair submission made by the learned counsel appearing for the petitioner, this Court is inclined to dispose the present petition by giving necessary direction to the first respondent Police. Accordingly, the first respondent Police is directed to conduct the investigation and complete the same within a period of twelve weeks from the date of receipt of a copy of this order by providing necessary opportunity to both parties and after completing the investigation, if any cognizable offences are made out, the first respondent Police shall file a charge sheet in the manner known to law. Incase, if cognizable offences are not made out, the first respondent Police shall close the case as “mistake of fact”. The petitioner is at liberty to produce all documents, in order to prove that there is no criminality in the complaint preferred by the second respondent.

6. In the result, this criminal original petition is disposed of. Consequently, connected miscellaneous petition is closed.

21.03.2024

NCC : Yes/No
Index : Yes/No

RR



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To

- 1.The Inspector of Police,
Virudhunagar Police Station,
Virudhunagar
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI. J.

RR

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