



Crl.O.P.(MD) No.18916 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.18916 of 2024

and

Crl.M.P.(MD) No.11696 of 2024

1.Mugeshsingh
2.Anandh Singh

... Petitioners

-VS-

1.The State of Tamil Nadu,
Rep. by the Inspector of Police,
Sessions Court Police Station,
Trichy City.
(Crime No.238 of 2024)

2.Syed Ibrahim

... Respondents

Petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking to call for the records relating to the F.I.R. in Crime No.238 of 2024, dated 28.06.2024, on the file of the first respondent Police, and quash the same as against the petitioners / A1 and A2 are concerned.



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For Petitioners : Mr.S.Balasubramanian
For R1 : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor

ORDER

The petitioners filed the Criminal Original Petition seeking to quash the F.I.R. in Crime No.238 of 2024, registered against them for the offences under Sections 273 and 328 I.P.C. and Sections 6(a) and 24(1) of the Cigarette and other Tobacco Products Act, 2003, on the file of the first respondent Police.

2. The case against the petitioners is that on 28.06.2024, at 12.30 p.m., the Food Safety Officer conducted an inspection in a Paan Shop belonging to the petitioners. At that time, five packets of fine chew tobacco [500 gms. each], 6 packets of Meena Zafrani Patti [50 gms. each], 2 packets of tobacco [40 gms. each] and fine chewing tobacco 300 gms., totally weighing about 3.180 kgs. were seized from the petitioners' shop. Thereafter, samples were drawn and the shop was sealed.



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3. The contention of the petitioners is that, in this case, the mandatory procedures contemplated under Sections 42(2), 42(3) and 47 of the Food Safety and Standards Act have not been followed and the report should have been sent within 14 days from the date of receipt of the samples to the Commissioner of Food Safety for sanctioning prosecution, but the same has not been followed in this case. Hence, the petitioners prayed for quashing of the F.I.R.

4. The learned Additional Public Prosecutor, on the other hand, submitted that the seized contraband has been sent for the chemical analysis and the Chemical Analyst's report confirms that the contraband contains banned tobacco products and that the seizure was made from the petitioners' shop in the presence of public witnesses. He further submitted that now investigation has been completed and a charge sheet has been filed through e-filing before the Chief Judicial Magistrate Court, Trichy.

5. Recording the above said submission, this Criminal Original Petition is dismissed as infructuous. Consequently, connected Miscellaneous Petition is closed.



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6. At this juncture, the learned counsel for the petitioners seeks liberty to challenge the charge sheet. It is for the petitioners to decide if they wish to file such an application.

NCC : Yes / No

Index : Yes / No

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04.11.2024

To:-

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



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M.NIRMAL KUMAR, J.

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