



Crl.O.P.No.7105 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.7105 of 2025
and Crl.M.P.No.4530 of 2025

Aravindh

... Petitioner

Vs

State by
The Inspector of Police,
Kattumannarkoil Police Station,
Cuddalore District.
(Crime No.249/2023)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C/ 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to call the entire records pertaining to the Cr.No.249/2023 on the file of the Inspector of Police, Kattumannarkoil Police Station, Cuddalore District and quash the same.

For Petitioner : Mr.B.Kumarasamy

For Respondent : Mr.A.Gopinath

Government Advocate (Crl.side)

ORDER

This Criminal Original Petition has been filed challenging the FIR in Crime No.249 of 2023, on the file of the respondent Police.



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2. Heard the learned counsel on either side and perused the materials available on record.

3. The case of the prosecution is that on 10.08.2023, when the respondent team were on patrol at Periyakulam, Kattumannarkoil, on suspicion, enquired the petitioner. Immediately after seeing the Police, the petitioner attempted to run away. Thereafter, he was caught hold by the respondent Police and found that he was in possession of 10 gms of Ganja. Immediately, the respondent Police registered FIR in Crime No.249 of 2023 for the offence punishable under Section 20(b)(ii)(A) of NDPS Act.

4. Admittedly, even according to the respondent, the petitioner was in possession of 10 gms of Ganja. While arresting the petitioner and while registering the FIR, the respondent did not even follow any of the procedure as contemplated under Section 50 of the NDPS Act. The petitioner was not given any opportunity to make a search on him before any Gazetted Officer or any Police Officer. Section 50 of the NDPS Act is mandatory in nature and the respondent shall have to comply with the said provision while making search and registration of FIR under the NDPS Act.



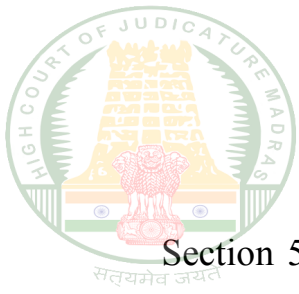
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5. Further, the respondent did not even send any sample for chemical analysis. The alleged contraband was seized from the petitioner on 10.08.2023 at about 11.30 a.m. However, even till today, the respondent did not send any sample for chemical analysis and it is also not sent to the concerned jurisdictional Court.

6. Now, the learned Government Advocate (Crl.side) appearing for the respondent Police would submit that after completion of investigation, final report has been filed on 01.12.2024 before the concerned Jurisdictional Court.

7. Without even following the procedure as contemplated under Section 50 of the NDPS Act and without depositing the contraband before the concerned Court, the entire proceedings cannot be sustained as against the petitioner. As per Section 50(6) of the NDPS Act, the Searching Officer after conducting search under sub-section (5) of Section 20 of the NDPS Act, shall record the reasons for such belief which necessitated such search within 72 hours and send a copy to his immediate official superiors. However, the respondent failed to comply with any of the procedures as contemplated under



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Section 50 of NDPS Act. Further, no independent witness is examined by the respondent and mechanically completed the investigation and filed a final report.

8. In view of the above, the impugned FIR in Crime No.249 of 2023 on the file of the respondent Police and subsequent proceedings if any, cannot be sustained and is liable to be quashed. Accordingly, the FIR in Cr.No.249 of 2023, on the respondent Police and subsequent proceedings if any, are hereby quashed.

9. In the result, this Criminal Original Petition stands allowed. Consequently, connected Miscellaneous petition is closed.

12.03.2025

Internet: Yes
Index: Yes/No
Speaking/Non speaking order
mn



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To

1. The Inspector of Police,
Kattumannarkoil Police Station,
Cuddalore District.
2. The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN. J.

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