



CrI.O.P.No.8175 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.03.2025

CORAM:

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

CrI.O.P.No.8175 of 2025

and

CrI.M.P.No.5318 of 2025

C.Ganapathi

... Petitioner

Vs.

1. The State of Tamilnadu,
Represented by its:
Inspector of Police,
P-3, Vyasarpadi Police Station,
Chennai (Cr.No.512 of 2024)

2. The Special Sub-Inspector of Police,
P-3, Vyasarpadi Police Station,
Chennai.

... Respondents

PRAYER: This Criminal Original Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 to call for the records in Cr.No.512 of 2024 dated 26.11.2024 pending on the file of the Inspector of Police, P3 Vyasarpadi Police Station, Chennai and quash the same.

For Petitioner : Mr.D.Percivul Pericles

For Respondents : Mr.A.Gopinath,
Government Advocate (CrI.Side)

ORDER



CrI.O.P.No.8175 of 2025

WEB COPY

This petition has been filed to quash the F.I.R registered in Crime No.512 of 2024 on the file of the first respondent police.

2. On the complaint lodged by the second respondent, the first respondent has registered a case as against the petitioner in Cr.No.512 of 2024 for the offences punishable under Sections 24(1) of COTPA Act, 2003 and Section 77 of JJ Act, 2015 .

3. It is alleged that the second respondent has seized 30 pockets of tobacco products at No.35, Tea Shop of the petitioner herein. It is further alleged that the petitioner had sold the tobacco products to the school children for his personal gain.

4. The only ground raised by the petitioner is that both the offences are not cognizable offences and the first respondent registered the FIR without obtaining permission from the concerned Jurisdictional Magistrate.

5. Admittedly, there is no order from the Jurisdictional Magistrate to register the complaint as against the petitioner that too for non



CrI.O.P.No.8175 of 2025

cognizable offences, where the allegations in the FIR do not constitute the cognizable offence, but constitute only a non cognizable offence, no investigation is permitted by a police officer without an order of Judicial Magistrate as contemplated under Section 155(2) of Cr.P.C.

6. In view of the above, the entire FIR is nothing but clear abuse of process of law and cannot be sustained. Therefore, the FIR registered in Cr.No.512 of 2024 cannot be sustained as against the petitioner and it is liable to be quashed. Accordingly, it is hereby quashed.

7. In the result, this Criminal Original petition is allowed. Consequently, the connected miscellaneous petition is closed.

21.03.2025

Vv

To

1. The Inspector of Police,
P-3, Vyasarpadi Police Station,
Chennai (Cr.No.512 of 2024)



CrI.O.P.No.8175 of 2025

सत्यमेव जयते
WEB COPY 2. The Special Sub-Inspector of Police,
PP-3, Vyasarpadi Police Station,
Chennai.

2. The Public Prosecutor,
High Court of Madras,
Chennai.



WEB COPY



Crl.O.P.No.8175 of 2025

G.K.ILANTHIRAIYAN, J.
Vv

Crl.O.P.No.8175 of 2025

21.03.2025