



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-06-2025

CORAM

THE HONOURABLE MR JUSTICE P. VELMURUGAN

CRL OP No. 10505 of 2025

and

CRL MP No.7029 of 2025

1. Lifekyor Pharmaceuticals

Represented by Partner jagdish

Pravinbhai Hiraini, B2, 1108, Palladium

B/H, Dviya Bhaskar Corporate Road,

Makaba, Ahmedabad 380051.

2. Jagdish Pravinbhai Hirani

One of the partners cum Competent

Person,

M/s Lifekyor Pharmacetuticals,

B2, 1108, Palladium B/H,

Dviya Bhaskar Corporate Road,

Makaba, Ahmedabad 380051.

3. Krishna Naman Trapsia

One of the partners

M/s Lifekyor Pharmacetuticals,

B2, 1108, Palladium B/H, Dviya

Bhaskar Corporate Road, Makaba,

Ahmedabad 380051.



4. Rushi Kanaiyalal Ribadia

One of the partners

M/s Lifekyor Pharmacetuticals, B2,
1108, Palladium B/H, Dviya Bhaskar
Corporate Road, Makaba, Ahmedabad
380051.

5. Sanket Dipakkumar Shah

One of the partners

M/s Lifekyor Pharmacetuticals, B2,
1108, Palladium B/H, Dviya Bhaskar
Corporate Road, Makaba, Ahmedabad
380051.

Petitioner(s)

Vs

1. The State rep by
The Drugs Inspector,
Coimbatore III Range
Office of the Assistant Director of
Drugs Control,
Coimbatore Zone,
219 Race Course Road,
Coimbatore 641018.

Respondent(s)

PRAYER

Criminal Original Petition filed under Section 528 of BNSS 2023, to call for
the records in C.C.No.718 of 2017, on the file of the Learned Judicial
Magistrate No.2, Coimbatore and to quash the same as against these petitioners.



WEB COPY

CRL OP No. 10505 of 2025



For Petitioner(s): Mr.S.Ranjith Kumaran
For Mr.R.Sivakumar

For Respondent(s): Mr.S.Vinoth Kumar,
Government Advocate (Crl.Side)
For R1

ORDER

This Criminal Original Petition has been filed to call for the records in C.C.No.718 of 2017, on the file of the Learned Judicial Magistrate No.2, Coimbatore and to quash the same as against the petitioners.

2. Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Crl.Side) appearing for the respondent-Police and perused the materials available on record.

3. Learned counsel for the petitioners submitted that the petitioners are not manufacturers and they are only distributors. They have not committed any offence as alleged by the prosecution. Already, this Court quashed the case as against the prime accused/manufacturer on the ground that sample was not sent in time and the same was sent only after expiry of the validity period. The petitioners have nothing to do with the commission of the offences. The same



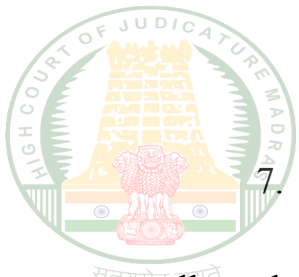
relief can be extended to the present petitioners also.

WEB COPY

4. Learned Government Advocate (Criminal Side) appearing for the respondent-Police submitted that though sufficient opportunity was given to the petitioners, they have not utilised the same. The grounds taken by the petitioners are not the grounds for quashing the case. Hence, he seeks dismissal of this petition.

5. Admittedly, case in C.C.NO.718 of 2017 was registered as against the petitioner and others before the learned Magistrate No.I, Coimbatore. Pending the said CC, A1 to A3, who are manufacturers, had filed CrI.O.P.Nos.23142 and 23148 of 2019 before this Court to quash C.C.No.718 of 2017 on the file of the Judicial Magistrate No.II, Coimbatore. This Court, vide order dated 20.11.2023, quashed the case as against the petitioner therein. The present petitioners have filed the present OP for the same relief.

6. Considering the facts and circumstances of the case and as already the case was quashed as against Accused No.1 to 3, there are no independent allegations as against the petitioners. Hence, the present CC as against the petitioners is also quashed.



7. With the abovesaid direction, this Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

WEB COPY

8. In most of the cases, the Drug Inspectors are neither following statutory rules, nor taking any steps to send the sample immediately to the Forensic Laboratory, due to which, most of the cases are being quashed or discharged or acquitted on the ground of technicality. Hence, the Director of Drugs Control, Chennai is directed to file a statistical report as on this date, as to how many cases are pending in the State of Tamil Nadu and in how many cases, the sample has been sent immediately soon after collecting the sample/made a request to the Court to send a sample immediately and how many cases ended in conviction and how many cases ended in acquittal, within a period of two months from the date of receipt of a copy of this order.

11-06-2025

mfa

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



To

1. The Judicial Magistrate No.2, Coimbatore.

2. The State rep by The Drugs Inspector,
Coimbatore III Range
Office of the Assistnat Director of
Drugs Control, Coimbatore Zone, 219
Race Course Road, Coimbatore
641018.

3. The Public Prosecutor,
High Court, Chennai.

Copy to
The Director of Drugs Control, Chennai



WEB COPY

CRL OP No. 10505 of 2025



P.VELMURUGAN J

mfa

**CRL OP No. 10505 of 2025
and
CRL MP No.7029 of 2025**

11-06-2025