



Crl.O.P.No.14277 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.06.2025

CORAM

THE HON'BLE MR. JUSTICE P.VELMURUGAN

Crl.O.P.No.14277 of 2025

and

Crl.M.P.Nos.9888 & 9889 of 2025

P.Radhakrishnan

... Petitioner

Vs.

The State of Tamil Nadu
Represented by,
The Drugs Inspector,
Tiruvannamalai II Range,
Office of the Drugs Inspector,
No.1, Gandhi Nagar, 6 th Street,
Tiruvannamalai.

... Respondent

PRAYER: Criminal Original Petition filed under Section 528 of the BNSS 2023, to call for the records relating to C.C.No.119 of 2016 on the file of the learned Judicial Magistrate No.1, Tiruvannamalai and to quash the same.

For Petitioner : Mr.S.Nedunchezhiyan

For Respondent : Dr.C.E.Pratap
Government Advocate (Crl.Side)

ORDER



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WEB COPY This Criminal Original Petition has been filed to call for the records relating to C.C.No.119 of 2016 on the file of the learned Judicial Magistrate No.1, Tiruvannamalai and to quash the same.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) accepting notice for the respondent and perused the materials available on record.

3. The learned counsel appearing for the petitioner submitted that the respondent filed a complaint as against the petitioner under Section 32 of the Drugs and Cosmetics Act, 1940 read with Section 200 of the Cr.P.C., for the alleged contravention of Section 18(a)(i) of the Act punishable under Section 27(d) of the Act and the same was taken on file in C.C.No.119 of 2016 before the Court below on 09.09.2016. Despite the sample being produced before the Court below, no steps have been taken to forward the same to the Central Drugs Laboratory, Kolkata and the respondent failed to comply with Section 25(4) of the Act. He further submitted that cognizance of the complaint was taken on



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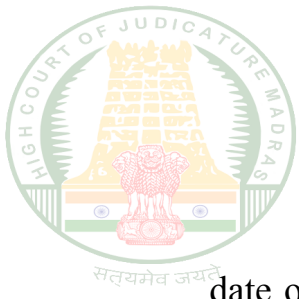
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09.09.2016, after the expiry of the shelf life of the sample drug. Hence, he prayed for dismissal of the complaint.

4. In support of his contentions, the learned counsel for the petitioner placed reliance on the judgment reported in *2018 (15) SCC 93 [Laborate Pharmaceuticals India Limited and Others Vs. State of Tamil Nadu] .*

5. The learned Government Advocate (Criminal Side) appearing for the respondent submitted that sample was collected on 02.06.2014 and the same was sent for analysis on 28.01.2015.

6. On perusal of the materials available on record, this Court finds that sample of the drug in the present case was taken on 02.06.2014. Despite the sample taken was produced before the Court below and C.P.No.81 of 2016 has also been assigned, no further steps have been taken for forwarding the same to the Central Durgs Laboratory, Kolkotta for analysis. The complaint has been filed only on 09.09.2016 after the



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date of expiry of shelf life of the sample drug. The respondent failed to comply with the statutory provision.

7. In view of the non-compliance with the statutory provision by the respondent, the case in C.C.No.119 of 2016 on the file of the learned Judicial Magistrate No.I, Tiruvannamalai as against the petitioner is hereby quashed. In the result, this Criminal Original Petition is allowed. Consequently, connected miscellaneous petitions are closed.

03.06.2025

mfa

Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No

To

1.The Judicial Magistrate No.I, Tiruvannamalai

2. The Drugs Inspector,
Tiruvannamalai II Range,
Office of the Drugs Inspector,
No.1, Gandhi Nagar, 6 th Street,
Tiruvannamalai.

3. The Public Prosecutor, High Court, Chennai.



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P.VELMURUGAN, J.

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