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Crl.OP.No.27629 of 2025

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 10.10.2025**

**CORAM:**

**THE HON'BLE MR.JUSTICE N.SATHISH KUMAR**

**Crl.O.P.No.27629 of 2025**

Venkatajalapathi

... Petitioner

**Vs.**

1.State rep. by

The Inspector of Police,  
Krishnagiri Taluk Police Station,  
Krishnagiri.  
Crime No.215 of 2025.

2.Radhakrishnan

... Respondents

Prayer: Petition filed under Section 528 of BNSS, to call for the FIR in Crime No.215 of 2025 on the file of Krishnagiri Taluk Police Station, Krishnagiri and quash the same.

For Petitioner : Mr.G.Selvaraj  
For Respondent-1 : Mr.R.Vinothraja, GA (Crl. Side)

**ORDER**

Challenging the FIR in Crime No.215 of 2025 on the file of Krishnagiri Taluk Police Station, Krishnagiri, the present Petition has been filed by the petitioner.



2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) appearing on behalf of the first respondent.

3. The learned counsel for the petitioner submitted that the petitioner is a conductor and he has not committed any offence as alleged by the prosecution. He contended that no order has been obtained by the respondent police from the Magistrate, as required under Section 174 of BNSS and also that as per Section 24(1) of the COTPA Act 2003, punishment is only a fine of Rs.200/- and the said offence is also a non cognizable as per Schedule 1 of BNSS and hence, he prayed this Court to quash the FIR on the aforesaid grounds.

4. I have perused the FIR and entire materials available on record.

5. The petitioner being a Government servant has illegally transported banned tobacco from Bangalore to Puducherry. Though the offence is non cognizable, normally registration of FIR is not permitted. When the facts remains so, the Substance of Information shall be entered in a book to be kept in such a form as the State Government notify separate book normally.



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Whether such books have been notified or not is a different aspect?

Therefore, merely because of the aforesaid aspect, FIR cannot be quashed.

The requirement in the present case is only a permission from the Magistrate to investigate the case and when such being the position, the respondent police now seeks permission from the Magistrate concerned to proceed further. Taking into consideration of all the above aspects, at this stage, this Court is not inclined to quash the FIR.

6. In view of the above reasonings and also taking note of the nature of offence, the Criminal Original Petition stands dismissed.

**10.10.2025**

DP

To

- 1.The Inspector of Police,  
Krishnagiri Taluk Police Station,  
Krishnagiri.
- 2.The Public Prosecutor,  
Madras High Court.



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**N.SATHISH KUMAR.J.**

DP

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