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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-11-2025

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP No. 30346 of 2025
and
CRL MP Nos. 20768 & 20769 of 2025

Masthan

Petitioner(s)

Vs

Inspector of Police
F-6, Choolaimedu Police Station,
Chennai-600 094.
Crime No.107 of 2022.

Respondent(s)

PRAYER: Criminal Original Petition filed under section 528 of BNSS to call for the records and quash the charge sheet as against the petitioner registered in CC.No.7 of 2025 on the file of the Principal District Special Judge under EC and NDPS Act, Chennai.

For Petitioner(s): Ms.A.B.Fathima Sulthana

For Respondent(s): Mr.R.Vinothraja
Government Advocate

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ORDER

This criminal original petition has been filed to call for the records and quash the charge sheet as against the petitioner registered in C.C.No.7 of 2025, on the file of the Principal District Special Judge under EC and NDPS Act, Chennai.

2.The learned counsel for the petitioner submitted that the petitioner is innocent; originally, the case was registered in FIR No.107/2022, for offences under Sections 8 (c) read with Sections 20 (b) (II) (B) and 27 (A) of the NDPS Act, later altered to Section 8 (c) read with Sections 20 (b) (II) (B) and 29 (1) of the NDPS Act; the allegation as against the petitioner was that the petitioner has financed the other accused; to come to the conclusion, the respondent police have relied on the alleged confession said to have been recorded from A1 to A3 under Section 67 of the NDPS Act, which is inadmissible; and subsequently, the respondent police have filed an alteration report, whereby, the offence under Section 27 (A) of the NDPS Act has been dropped.

3.Per contra, the learned Government Advocate (Crl.Side) appearing for the respondent submitted that though Section 27 (A) has been dropped, the

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petitioner has been charged for abetting the other accused and apart from the confession, there are other materials as against the petitioner.

4.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) appearing for the respondent. Perused the materials available on record.

5.The sanctity of the submissions can be tested only during the trial. Though the petitioner has taken the above ground for quashing the charge sheet, it can be raised only at the time of trial and there is no material in the petition for quashing. At this juncture, the learned counsel for the petitioner submitted that the case is of the year 2022 and hence a direction may be issued to the Trial Court to complete the trial at the earliest.

6.This Court finds no merit in this petition and accordingly, this criminal original petition stands dismissed with a direction to the learned Trial Judge to complete the trial as expeditiously as possible preferably within a period of six

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(6) months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petitions are also closed.

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Index:Yes/No
Speaking/Non-speaking order
Neutral Citation:Yes/No
sli

To
1.The Principal District Special Judge
under EC and NDPS Act, Chennai.

2.The Public Prosecutor,
High Court, Madras.

3.The Inspector of Police,
F-6, Choolaimedu Police Station,
Chennai-600 094.
Crime No.107 of 2022.

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A.D.JAGADISH CHANDIRA, J.

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