



Crl.O.P.(MD)No.622 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.03.2025

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THE HON'BLE MR.JUSTICE P.DHANABAL

Crl.O.P.(MD)No.622 of 2025

and

Crl.M.P(MD) Nos. 425 and 428 of 2025

Barathkumar @ Barathkumaar

.... Petitioner

Vs.

1. The Inspector of Police
Sattur Town Police Station
Virudhunagar District

2. Kesavan
Sub Inspector of Police
Sattur Town Police Station, Sattur
Virudhunagar District.

3. The Senior Divisional Security Commissioner
Southern Railway,
Trichy Division
Trichy

4. The Senior Divisional Security Commissioner
Southern Railway
Madurai Division, Madurai

.. Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to call for the records pertaining to the First Information Report in Crime No. 415 of 2024 dated 24.11.2024 on the file of the first respondent for the



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alleged offences under Sections 8(c), 20(b)(ii)(A) of NDPS Act and Section 77 of Juvenile Justice Act and quash the same in so far as the petitioner is concerned.

For Petitioner : M/s. Arul Jenifer
for M/s.KBS Law Office

For Respondents : Mr.M.Sakthi Kumar
Government Advocate(Crl.Side)

ORDER

This Criminal Original Petition has been filed to quash the First Information Report in Crime No. 415 of 2024 dated 24.11.2024 on the file of the first respondent police.

2. The case of the prosecution is that the petitioner was found in illegal possession of kanja and thereby the first respondent has registered a case against the petitioner in Crime No.415 of 2024 for the offences under Sections 8(c), 20(b)(ii)(A) of NDPS Act and Section 77 of Juvenile Justice Act. Now the petitioner challenged the registration of the First Information Report as against him.

3. The learned counsel appearing for the petitioner would submit that the respondent police have registered a false case against the



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petitioner for the offences under Sections 8(c), 20(b)(ii)(A) of NDPS Act and Section 77 of Juvenile Justice Act. Infact the petitioner has not committed any offence as alleged in the First Information Report . As per the prosecution case on the date of occurrence the petitioner was found in possession of kanja and the same was seized and thereafter the petitioner was arrested and he also gave confession statement. As per the confession statement the second accused also involved in this case, therefore the case has been registered against them. Infact the petitioner is an MBA graduate and he has been working as Deputy General Manager in a private concern. The petitioner used to stay at Vembur Village, Tuticorin District. While so, on 22.11.2024 the petitioner left to Trichy from his work place and met his parents and the petitioner was asked to attend office of Sunday to finalize the audit papers of petitioner's company, thereby he proceeded to go to his work place. He used to go by train from Trichy to Sattur and from Sattur railway station go by two wheeler to Vembur. While so, on 24.11.2024 for the purpose of attending his routine work he rushed to the railway station at 2.30 am.,in the early morning to catch Nagercoil Superfast Express which tentatively reach Tiruchy by 3.10 am., The petitioner also made attempt to purchase ticket for the above train and that CCTV footage is available with Tiruchy railway station. Thereafter the



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second accused boarded the Anthodya Express at Tiruchy at about 6.15 am., on 24.11.2024 along with his friends and cell phone tower location would substantiate that he boarded the train at petitioner along with his friends and reached Sattur railway station at about 9.37 am., on 24.11.2024. At that time after reaching Sattur railway station the police party stopped the petitioner using unwelcoming words and the same was questioned, thereby the respondent police have registered a false case against the petitioner. The respondent police also manhandled the petitioner and thereafter a false case has been filed against the petitioner, therefore the pending First Information Report is liable to be quashed.

4. The learned Government Advocate(Crl.Side) appearing for the respondents would submit that when the police party was on patrol duty they found the petitioner along with other accused found in illegal possession of kanja, thereby they registered a case in Crime No.415 of 2024 for the offences under Sections 8(c), 20(b)(ii)(A) of NDPS Act and Section 77 of Juvenile Justice Act and now the investigation is pending and at this stage the First Information Report cannot be quashed. As per the First Information Report there are materials available to proceed as against the petitioner and the matter needs elaborate investigation and



now the investigation is pending and therefore the petition is liable to be dismissed.

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5. Heard both sides and perused the materials available on record.

6. The petitioner has been arrayed as one of the accused in Crime No.415 of 2024 for the offences under Sections 8(c), 20(b)(ii)(A) of NDPS Act and Section 77 of Juvenile Justice Act and on the date of alleged First Information Report and now the case is under investigation. At this stage the petitioner has approached this Court to quash the First Information Report. There are no valid ground to quash the First Information Report and it is well settled law that the First Information Report cannot be quashed unless there are strong materials. In this case as per the First Information Report there are serious allegations as against the petitioner and the kanja was recovered from this petitioner as per the First Information Report. Therefore the matter needs elaborate investigation and it cannot be quashed at this stage and hence the petition is liable to be dismissed.



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7. Accordingly the Criminal Original Petition stands dismissed.

Consequently connected miscellaneous petitions stand closed.

26.03.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To

1. The Inspector of Police
Sattur Town Police Station
Virudhunagar District
2. The Senior Divisional Security Commissioner
Southern Railway,
Trichy Division
Trichy
3. The Senior Divisional Security Commissioner
Southern Railway
Madurai Division, Madurai
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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P.DHANABAL,J.

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