

Crl.OP.(MD)No.7038 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18.09.2025

PRESENT

The HONOURABLE MRS.JUSTICE S.SRIMATHY

CRL OP(MD)No.7038 of 2023

and

CRL MP(MD)No.6088 of 2023

Balamurugan

... Petitioner

Vs.

1.The State Represented by,
The Inspector of Police,
Rameswaram Town Police Station,
Ramanathapuram District.
(Crime No.55 of 2022)

2.G.Kannathan

... Respondents

PRAYER: Criminal Original Petition is filed under Sec.482 of Cr.P.C. to call for the records pertaining to the impugned First Information Report in Crime No.55 of 2022, on the file of the 1st respondent Police and quash the same in respect of the petitioner alone.

For Petitioners : Mr.J.Karthijeyan
for M/s.Gandhi Associates

For Respondents : Mr.E.Antony Shaya Prabahar
Additional Public Prosecutor for R1



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ORDER

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The Criminal Original Petition has been filed to quash the FIR in Crime No.55 of 2022 for the offences punishable under Sections 8(c) read with 22(c) of NDPS Act on the file of the 1st respondent Police in respect of the petitioner alone.

2. The case of the prosecution is that on 10.02.2022 at about 3.00 AM, one Satish Kumar, Inspector of police attached to Rameswaram Town Police Station received a secret information from one Navneet Krishnan Sub-Inspector of Police attached to Serious Crime Unit, Ramanathapuram informing that one, Surya Kumar, Manoj, Mohammed Ismail are going to smuggle cocaine, a narcotic drug to Rameswaram at about 4.00 AM. Hence, they visited Amma Park near Rameswaram Bus stand, wherein the said Surya Kumar and seven others made an attempt to escape from the spot at that time. Five accused were caught, search was conducted in the presence of revenue officials, the accused handed over gunny bag, which contain 1.5 kgs of cocaine. Then FIR was registered at about 6.00 am. The accused had given voluntary confession that A1 to A8 along with the petitioner gave money for purchase of cocaine and they decided to smuggle to Sri Lanka. The petitioner was arrested and reminded



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to judicial custody based on the confession.

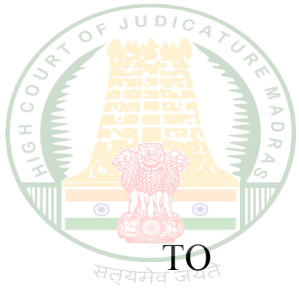
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3. The learned Additional Public Prosecutor appearing for the 1st respondent submitted that the charge sheet has been filed. The seized material was sent for chemical analysis report. In the reported it is stated that the material was not cocaine but some starch.

4. The present petition is filed to quash the FIR. Pending quash petition, charge sheet has been filed. Then the petitioner ought to be directed to challenge the charge sheet. However, in the present case chemical analysis report states that the seized material is not cocaine but starch. In such circumstances, the petitioner cannot be directed to challenge the charge sheet. When the chemical analysis is not supporting the case of the prosecution, the charge sheet is liable to be quashed. Accordingly, the charge sheet is quashed and the criminal original petition is allowed. Consequently, connected miscellaneous petition is closed.

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18.09.2025



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TO

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- 1.The Inspector of Police,
Rameswaram Town Police Station,
Ramanathapuram District.
- 2.The Additional Public Prosecutor,
Madurai Bench Of Madras High Court,
Madurai.



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S.SRIMATHY,J

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