



Crl.O.P.(MD)No.11201 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.04.2025

WEB COPY

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

Crl.O.P.(MD)No.11201 of 2024

G.Umapathy

.. Petitioner

Vs.

**1. The Inspector of Police
KV Nallur Police Station
Tenkasi District**

2. G.Soosaipandian

.. Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to call for the records pertaining to the impugned First Information report in Crime No. 204 of 2024 dt. 08.05.2024 for offences u/s 328 of IPC and 24(1) Cigarette and order Tobacco Products act and quash the same as illegal.

For Petitioner : Mr.K.Dinesh

**For Respondents : Mr.M.Vaikkam Karunanithi
No.1 Government Advocate(Crl.Side)**

ORDER

This Criminal Original Petition has been filed to quash the First Information Report in CrimeNo.204 of 2024 on the file of the first respondent police.

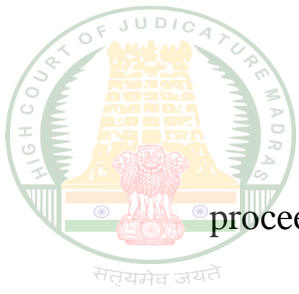
1/6



Crl.O.P.(MD)No.11201 of 2024

WEB COPY

2. The learned counsel appearing for the petitioner would submit that the first respondent registered a case against the petitioner in Crime No. 204 of 2024 for the offences under Section 328 of IPC and Section 24(1) of Cigarette and other Tobacco Products Act and the same is pending investigation. As per the case of prosecution on 08.05.2024 when the first respondent went to supervise the sale of banned tobacco they found four white bags consists 55 pouches of Ganesh Tobacco products totally 110 pouches and in another white bag 225 grams of 110 packets to a tune of 24.750kgs and other tobacco products in the house of one Avudaiparvathy. During investigation they came to know that tobacco products belongs to this petitioner and she had brought the same for sale it for higher price. Therefore the First Information Report has been registered. Infact the petitioner was only implicated based on the confession statement of the co-accused. The petitioner is only running petty shop and he used to sell eggs and put up case has been filed against the petitioner and no any products were recovered from this petitioner. In order to attract the provisions under Section 328 of IPC and Section 24(1) of Cigarette and Other Tobacco Products Act there are no ingredients to constitute the offence as against this petitioner, therefore the pending



proceedings is against law and the same is liable to be quashed.

WEB COPY

3. The learned Government Advocate(Crl.Side) appearing for the respondents would submit that they registered a case against one Avudaiparvathy in Crime No. 204 of 2024 for the offence under Section 328 of IPC and Section 24(1) of Cigarette and Other Tobacco Products Act. While so based on the confession statement of the Avudaiparvathy they came to know that the petitioner only supplied the contraband to the said Avudaiparvathy, thereby the case has been registered against this petitioner and others and the same is pending, hence at this stage the investigation of the case cannot be quashed and therefore the petition is liable to be dismissed.

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

5. According to the case of prosecution based on the confession statement of another accused First Information Report has been registered in crime No.204 of 2024 for the offences under Section 328 of IPC and Section 24(1) of Cigarette and Other Tobacco Products Act and the case is under investigation. According to the petitioner the registration of the First Information Report is against law and no any materials available as against



Crl.O.P.(MD)No.11201 of 2024

the petitioner and based on the confession statement of the co-accused a separate First Information Report has been registered, therefore registration of First Information Report is against law. On perusal of the records it is seen that the respondent police has registered a case in Crime No.204 of 2024 as against the petitioner and already they registered case against one Avudaiparvathy and recovered banned tobacco products from her. At that time she made confession statement that the products were supplied by this petitioner. Therefore the present First Information Report has been registered. Since investigation is pending at this stage whether any materials recovered from this petitioner cannot be ascertained and the same can be ascertained only after investigation and as on date investigation is pending, therefore it needs elaborate investigation if no any materials recovered from this petitioner and it is for the investigation officer to take appropriate decision while filing final report. If any final report filed based on the final report the trial Court has to verify if any materials as against the petitioner while taking cognizance, therefore at this stage the prayer of the petitioner cannot be considered and the petition is liable to be dismissed.



Crl.O.P.(MD)No.11201 of 2024

WEB COPY

6. Accordingly the Criminal Original Petition stands dismissed.

25.04.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
aav

To

1. The Inspector of Police
KV Nallur Police Station
Tenkasi District
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.O.P.(MD)No.11201 of 2024

P.DHANABAL,J.

aav

Crl.O.P.(MD)No.11201 of 2024

25.04.2025