



Crl.O.P.(MD)No.13805 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 20.08.2025

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

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Manthirammoorthi

... Petitioner

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Alanganallur Police Station,
Madurai District.
(Crime No. 128/2025).

...Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the impugned FIR in Crime No. 128/2025 dated 23.04.2025 on the file of the Alanganallur Police Station, Madurai District and quash the same as illegal.

For Petitioner
For R1

: Mr.Vijaya Prabhakaran. G
: Mr.P.Kottaichamy
Government Advocate (Crl.side)

ORDER

The petitioner is the fourth accused in Crime No.128 of



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2025, on the file of the Alanganallur Police Station. He has filed this petition to quash the above proceedings that this is a foisted case.

2.The said case was registered as against this petitioner and others on 23.04.2025 for the offence under Sections 8(c) r/w 20(b)(ii) (B), 25, 29(1) of NDPS Act, on the complaint of Sub Inspector of Police. According to the complainant, on 23.04.2025 at about 8.00 a.m, an information was received, based on which, they have conducted a search near Podumbu Cementry headed by one Meenashi Sundaram, the Sub Inspector of Police. They found five persons aged between 22 to 25 selling cannabis. On seeing the police party, one Surya @ Kutty Charku (A5) fled away from the occurrence place. The other persons including the petitioner have been secured by the respondent police. The respondent police have found 1.25 kgs of cannabis packets in a white plastic cover hidden under the seat of a Honda duo Bike, bearing Registration No.TN 65 AP 1317 and the same was also recovered. The respondent police have prepared Mahazar at 10.00 am, in the presence of the official witnesses. Thereafter, the case in Crime No.128 of 2025 has been registered.



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3.The learned counsel for the petitioner submits that the petitioner is working as a Cook in a private restaurant. He never involved in any offence as alleged by the prosecution. When he returned from his duty, he was secured by the respondent police on 22.04.2025. All five persons including A5 were taken in a Jeep from 22.04.2025 at 12.45 pm and the vehicle was on roaming for the whole day and they were also kept for some time in the Chikander Chavadi outpost police station. Thereafter, this petitioner was remanded along with four other accused, as if they were in possession of 1.250 kgs of cannabis. According to the learned counsel, A5 was also detained by the respondent police and he was also very much available in the Jeep along with him, however, he alone was left out by the respondent police for the reasons best known to them and the case has been registered as if the remaining accused were in possession of 1.250 kilogram of cannabis. The learned counsel by producing the call details of the petitioner submits that one Meenakshi Sundaram, the Sub Inspector of Police has called this petitioner over phone on 22.04.2025 at about 12.39 a.m and it was the last call received by him. According to him, he was under the illegal custody of Meenakshi Sundaram from 12:45 PM on 22.04.2025 and this case has been foisted



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as against the petitioner and others on 23.04.2025, as if they were in possession of Ganja. The learned counsel for the petitioner claims that if proper investigation is conducted then it could reveal that this case itself is a foisted one.

4.Mr.P.Kottaichamy, learned Government Advocate (Crl.side), who takes notice for the respondent submits that it is not correct that they have secured the petitioner only on 23.04.2025 along with three accused. A5 has absconded. A1 has given a confession statement that the other accused have received Ganja from A5 and they were selling the same.

5.This Court considered the rival submissions made and also perused the materials placed on record.

6.This petitioner has made out a *prima facie* case that the case in Crime No.128 of 2025 has not been registered in a proper manner. The petitioner claims that there was a call from the Sub Inspector of Police, Meenakshi Sundaram on the previous day and that was the last call received by him. The petitioner also claims that all the



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five accused have been secured and they have been detained in Chikander Chavadi police station for sometime and thereafter on the next day, this case has been registered as if the fifth accused has fled away from the occurrence place. Even according to the police, as per confession statement of A1, all the other accused have received the ganja only from A5. This Court is also having a doubt with regard to the manner in which, A5 has been left out in this case.

7.In view of the above and also considering that the investigation in this case is under progress, the following directions are issued:-

- i. The Superintendent of Police, Madurai is directed to withdraw the case in Crime No.128 of 2025, from the file of the Alanganallur police station and entrust the same to the Additional Superintendent Police, Madurai or some other sincere investigation officer.
- ii. The Additional Superintendent of Police/ the Investigation Officer shall ensure that a proper investigation is conducted in Crime No.128 of 2025.



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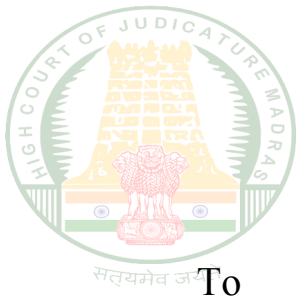
iv. The Superintendent of Police shall ensure that the provisions of NDPS Act are not misused by the police officers in foisting a false case.

v. In the event, if any officer has went to the extent of foisting a false case, necessary action has to be initiated as against them.

8. With a hope that the investigation in Crime No.128 of 2025 would be conducted in a proper manner, by adhering the above directions, this Criminal Original Petition is closed at this stage.

20.08.2025

NCC : Yes/No
Index : Yes/No
Internet: Yes
vrn



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To
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- 1.The Superintendent of Police, Madurai.
- 2.The Inspector of Police,
Alanganallur Police Station,
Madurai District.



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B.PUGALENDHI,J

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Order made in
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