



Crl.O.P.(MD)No.17685of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.10.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD).No.17685 of 2025

and

Crl.MP(MD).No.14447 of 2025

Michael Raj

... Petitioner / Accused No.2

Vs.

1.The State of Tamilnadu Rep by,
The Sub-Inspector of Police,
Palayamkottai Police Station,
Tirunelveli City.
Crime No.807/2023.

... Respondent No.1 / Complainant

2.Lashmi,
The Sub Inspector of Police,
Palayamkottai Police Station,
Tirunelveli District.

... Respondent No.2 / Complainant

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records pertaining to the S.T.C.No.5336 of 2025 on the file of the Judicial Magistrate No.1, Tirunelveli, and quash the same as illegal.

For Petitioners : Mr.A.Arun Ramnath

For R1 : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor



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ORDER

The petitioner seeks to quash the final report in S.T.C.No.5336 of 2025 on the file of the Judicial Magistrate No.1, Tirunelveli, filed for the offences punishable under Sections 8(c) and 20(b)(ii)(A) of NDPS Act, 1985.

2. The gist of the allegation in the impugned final report is that the petitioner along with the first accused was in possession of five grams of Ganja and thus committed the aforesaid offences.

3. The learned counsel for the petitioner would submit that even according to the prosecution, the alleged contraband was seized from the first accused; that considering the minimum quantity, the possession cannot be attributed to the petitioner; that the petitioner is sought to be implicated only on the confession of the co-accused; that in any case, the alleged occurrence took place on 17.07.2023; that the final report was filed only on 03.07.2025 and the same was taken cognizance without any petition to condone the delay in filing the final report; and that therefore, the impugned final report is barred by limitation.



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4. The learned Additional Public Prosecutor, per contra, would submit that the petitioner was also in conscious possession of the contraband; that when the Police intercepted both the accused, they attempted to flee from the scene of occurrence; and that the final report was filed on 03.07.2025. He would fairly submit that the respondents had not filed any petition to condone the delay in filing the final report.

5. Admittedly, the alleged occurrence took place on 17.07.2023. The final report was filed on 03.07.2025. No petition was filed by the respondents to condone the delay in filing the final report. The punishment prescribed for the offence under Sections 8(c) and 20(b)(ii)(A) of NDPS Act, 1985, is one year imprisonment. Under Section 468(2)(b) of Cr.P.C., the respondents ought to have filed the final report within a period of one year. The petitioner has no bad antecedents. The quantity possessed by the co-accused, according to the prosecution is 5grams of Ganja.

6. Considering all the above facts, this Court is of the view that the continuation of the impugned prosecution as against the petitioner would be a



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futile exercise as the chances of conviction are bleak. Accordingly the impugned final report in S.T.C.No.5336 of 2025 on the file of the learned Judicial Magistrate No.I, Tirunelveli, is quashed.

7. With the above observations, this Criminal Original Petition is allowed. Consequently, connected Miscellaneous Petition is closed.

28.10.2025

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

Indu/dk

To

- 1.The Sub Inspector of Police,
Palayamkottai Police Station,
Tirunelveli City.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SUNDER MOHAN, J.

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