



CRL OP(MD). No.18826 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 07.11.2025

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

**CRL OP(MD). No.18826 of 2025**  
**and**  
**Crl.M.P(MD)No.15623 of 2025**

Dineshpandi @ Dineshkumar,

... Petitioner

Vs.

The State of Tamilnadu, Rep.,  
By, the Sub Inspector of Police,  
Vachakarapatti, Police Station,  
Virudhunagar District.  
Crime No. 303/2024.

... Respondent

PRAYER :- This Petition is filed under Section 528 BNSS, to call for the records pertaining to Crime No.303 of 2024 dated 16.11.2024 on the file of respondent, for the alleged offences U/Sec. 24(1) of 24(1) of Cigarette and other Tobacco Products Act 2003, and quash the same as illegal.

For Petitioner : Mr.M.Beema Rao,

For Respondents : Mr.K.Sanjai Gandhi,

Government Advocate (Crl.Side)

### **ORDER**

This Petition is filed to quash the impugned F.I.R registered for the offences under Sections 24(1) of 24(1) of Cigarette and other Tobacco Products Act 2003.



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2. The allegation in the impugned F.I.R is that on 16.11.2024 at about 1.00 pm, the petitioner was found in possession of 3 packets of banned tobacco products weighing 45 grams for the purpose of sale to Coolie workers.

3. The learned counsel for the petitioner would submit that the allegation would not attract the offence under Section 24(1) of COTPA Act, since there is no allegation in the F.I.R that the petitioner had contravened Section 6 of the COTPA Act.

4. The learned Government Advocate (Criminal Side) would submit that after completing the investigation, the final report has already been filed before the learned Judicial Magistrate, Virudhunagar, which is yet to be taken taken on file.

5. Section 24(1) of the COTPA Act, reads as follows:

*“24. Punishment for sale of cigarettes or any other tobacco products in certain places or to persons below the age of eighteen years.—(1) Any person who contravenes the*



*provisions of section 6 shall be guilty of an offence under this Act and shall be punishable with fine which may extend to two hundred rupees.”*

6. Section 6 of the COTPA Act, reads as follows:

*“6. Prohibition on sale of cigarette or other tobacco products to a person below the age of eighteen years and in particular area.—No person shall sell, offer for sale, or permit sale of, cigarette or any other tobacco product—*

*(a) to any person who is under eighteen years of age, and*

*(b) in an area within a radius of one hundred yards of any educational institution.*

7. There is no averment in the impugned F.I.R, to suggest that the possession of the petitioner was meant for sale. The quantity seized from the petitioner also does not indicate that it was meant for sale. Further, Section 6 of COTPA Act, would be attracted only if it is shown that the Tobacco products were meant for sale to any person under eighteen years of age, and in an area within a radius of one hundred yards of any educational institution. In this case, there is no such allegation.



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8. Hence, this Court is of the view that the offence against the petitioner is not made out and hence, the impugned F.I.R and the consequential final report on the file of the Judicial Magistrate No.I, Virudhunagar, is hereby quashed.

9. This Criminal Original Petition is allowed. Consequently, connected Miscellaneous Petition is closed.

**07.11.2025**

Index: Yes / No  
Speaking Order / Non-speaking Order  
Neutral Citation : Yes / No  
LS /DK

TO

1. The Judicial Magistrate No.I,  
Virudhunagar.

2. The Sub Inspector of Police,  
Vachakarapatti, Police Station,  
Virudhunagar District.

3. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

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**SUNDER MOHAN,J.**

LS/DK

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