



Crl.O.P(MD)No.22539 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.12.2025

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.O.P(MD)No.22539 of 2025

Amirtha Sankar

... Petitioner

Vs.

The State of Tamilnadu,
Rep by The Inspector of Police,
Vachakarapatti Police Station,
Virudhunagar District.
Crime No.182/2023

... Respondent

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records pertaining to the Learned Judicial Magistrate No.1, Virudhunagar District in Crl.M.P.No. Unnumbered of 2025 dated 29.09.2025 on the file of the Respondent and set aside the same as illegal and subsequently direct the Learned Judicial Magistrate No.1, Virudhunagar to release the petitioner's vehicle bearing Registration No.TN-67-BF-0979 within a time fixed by this Court.

For Petitioner : Mr.A.Naresh Prabu

For Respondent : Mr.M.Sakthi Kumar
Government Advocate (Crl. Side)



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ORDER

Challenging the docket order passed by the Judicial Magistrate No.I, Virudhunagar in unnumbered Criminal Miscellaneous Petition in Crime No.182 of 2023 in PR.No.201 of 2023 on 29.09.2025 returning the petition filed under section 497 of BNSS, 2023, seeking return of TVS Apache two Wheeler bearing Registration No.TN-67-BF-0979, for the reason that the property has already been sent to the Drug Disposal Committee, this criminal original petition is filed.

2. The learned counsel for the petitioner relying upon the case of ***Denash Vs. State of Tamil Nadu*** reported in ***2025 SCC Online SC 2276*** submitted that the Drug Disposal Committee's role is to effect disposal in accordance with law and it is not an adjudicatory forum under Section 60 and 63 of NDPS Act. Section 503 of BNSS, 2023 remained applicable to the proceedings before NDPS Court by virtue of Section 36(C) and 51 of the NDPS Act. A bona fide owner whose vehicle has been misused without his knowledge cannot be compelled to suffer indefinite detention or be relegated to the Drug Disposal



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Committee in this regard and hence, he insisted that interim custody may in appropriate cases should be granted and sought for indulgence of this Court in quashing this case.

3. The learned Government Advocate(Crl.Side) submitted that seeking to set aside the docket order, the petitioner is before this Court. Therefore, the matter may be remanded back to the Magistrate for passing detailed order.

4. In view of the same, the impugned order is set aside and the matter is remanded back to the learned Judicial Magistrate No.I, Virudhunagar to consider the same and pass orders, in accordance with the judgment of the Hon'ble Supreme Court in ***Denash Vs. State of Tamil Nadu*** reported in ***2025 SCC Online SC 2276***. The said exercise shall be completed within a period of two (2) weeks from the date of receipt of copy of this order.



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5. With the above directions, this Criminal Original Petition stands disposed of.

09.12.2025

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

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Note : Registry is directed to return the original impugned order to the learned counsel for the petitioner.

To

- 1.The Judicial Magistrate No.1,
Virudhunagar.
- 2.The Inspector of Police,
Vachakarapatti Police Station,
Virudhunagar District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.

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