



WEB COPY

CRL OP No. 5805 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-03-2026

CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

**CRL OP No. 5805 of 2026
and CRL.MP.No.4308 of 2026**

Madhivanan

..Petitioner(s)

Vs

1. The State Rep. by
The Inspector of Police,
T-13, Chitlapakkam Police Station,
Chennai - 64.
2. MR.G.Ashoka Chakkravarthi,
Sub- Inspector of Police,
T-13, Chitlapakkam Police Station,
Chennai-64.

..Respondent(s)

To call for the records and quash the C.C.No.581 of 2025 in respect of petitioner/accused-1, on the file of the learned Judicial Magistrate No.II, Tambaram.

For Petitioner(s): V.JEYAPRAKASHAM

For Respondent(s): M/S. LEONARD ARUL JOSEPH SELVAM
ADDITIONAL PP FOR R1



ORDER

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The petitioner, who is arrayed as A1 in C.C. No.581 of 2025, facing trial for offence under Sections 8(c), 20(b)(ii)(A) of Narcotics Drugs & Psychotropic Substances Act, 1985, has filed the present petition to quash the proceedings.

2. The case of the prosecution is that on 15.10.2024 at 8.00 a.m., the second respondent received secret information that the petitioner and other accused were transporting ganja near a College at Zamin Royapettai between 9.00 am and 10.00 a.m. Based on the said information, the Police proceeded to the spot and, upon searching the accused, allegedly seized 500 grams of ganja from the petitioner. Hence, the present case has been registered against them.

3. The primary contention of the petitioner is that he has been falsely implicated in this case. It is submitted that the procedures contemplated under Section 50 of the NDPS Act have not been complied with. Hence, it would violate the petitioner's rights under Article 20 & 21 of the Constitution of India.

4. It is further contended that in this case all the witnesses are police persons and no independent witness has been examined. Further, the ganja which has been seized and sent for forensic lab, as per the Police records is 50 gms of ganja of two packets. The forensic expert on the other hand, in his report



stated that he only received 20 gms packet. The above contradiction, clearly shows that the police have fabricated a false complaint against the petitioner.

Hence, he prayed for quashing of the charge sheet.

5. Per contra, the learned Additional Public Prosecutor submitted that the information received was duly recorded by the Sub Inspector of Police in compliance with Section 42 of NDPS Act. Thereafter, the Police team went to the scene of occurrence i.e., near the World Trade Centre and found that the petitioner and other accused persons behaving in a suspicious manner. When they were questioned, they were not able to give proper answers. Thereafter, the Police informed them about the rights to be searched before the Magistrate or a Gazetted Officer, which they declined. Subsequently, on search, recovery was made from the petitioner's bag.

6. The learned Additional Public Prosecutor further submitted that in this case, after arrest, samples were taken and the petitioner was produced before the Magistrate. Thus, requirements under Section 57 of the NDPS Act has been complied with. After getting forensic examination report, which confirmed that the contraband seized from the petitioner is ganja, now charge sheet has been filed. Since no public has come forward to be a witness, the seizures have been recorded in presence of the Police Officials. In this case, seven witnesses have been listed and charge sheet has been filed before the Trial Court.



7. Considering the submissions made on both sides and perusal of records, this Court is of the view that since the issues raised by the petitioner are factual in nature, the same cannot be decided in the quash application. It is for the petitioner to raise all the points before the Trial Court at the time of trial. At this stage, this Court does not find any sufficient ground to quash the proceedings.

8. Accordingly, this Criminal Original Petition is dismissed. It is made clear that the observations made herein are only for the limited purpose of disposing of this petition and the Trial Court shall independently consider the evidence and dispose of the case on its own merits, uninfluenced by any observations made in this order. Consequently, connected miscellaneous petition is closed.

30-03-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
PVS / MTL

To

1. The Inspector of Police,
T-13, Chitlapakkam Police Station,
Chennai - 64.
2. The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.

PVS

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