



WEB COPY



CrI.O.P.No.7789 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 26.03.2026

CORAM

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CrI.O.P.No.7789 of 2023

Murugan
S/o Chandran

... Petitioner

Vs.

1. State rep by its
The Inspector of Police,
E-5 Sholavaram Police Station,
Sholavaram, Chennai-67
Crime No.223 of 2023

2. Raji

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C to call for the entire records comprised in FIR in Crime No.223 of 2023 dated 16.03.2023 pending on the file of the first respondent, The Inspector of Police, E-5, Sholavaram Police Station, Sholavaram, Chennai and quash the same against the petitioner/Accused-2 and pass orders.

For Petitioner : Ms.C.Anju Kavar
for Mr.M.Vimal Bobby Crimson
For Respondent : Mr.L. Baskaran, Govt Advocate



Cr.L.O.P.No.7789 of 2023

ORDER

WEB COPY

This Criminal Original Petition is filed to quash the F.I.R dated 16.03.2023 registered for the offences under Sections 353,506(I),328 of I.P.C and under section 24(1) of Cigarette and other Tobacco Products Act, 2003.

2. The case of the prosecution is that on 16.03.2023 at about 14:30 hours, when the respondent received a secret information from the complainant that a person standing 50 meters away from the Govt Higher Secondary School, Alamathi and seeing the patrol police he managed to escape and on enquiry found that he is in possession of banned Tobacco products a. Hans 10 bags. b. Vimal 8 gunny bag c. Swagat-2 bags, d. Cool lip 3 gunny bags e. MS Cented Tobacco 10 box. f. Cool lip 48 small box. On enquiry it is found that his name is Purushotamanm and he confessed that he purchased the above produces from the petitioner who is running a grocery store under the name and style of Murugan Store Karanodai, Chennai.



Cr.O.P.No.7789 of 2023

WEB COPY

3. Thereafter, the first respondent registered the F.I.R in Crime No. 223 of 2023 for the offences under Section 353, 506(I), 328 of IPC and under Section 24(1) of Cigarette and other tobacco products Act, 2003. On perusal of the records and also the submission made by either side reveals that the F.I.R got registered as against the second accused/petitioner only on the basis of the confession statement recorded from the first accused. Even according to the respondent the first accused was found in possession of Tobacco products and he stated that the said tobacco products was purchased from the second accused. Except the said statement no records were made against the second accused/petitioner and he has been implicated in the case only for the reason that he involved in similar type of offence.

4. Admittedly the first accused alone was found in possession of tobacco products and the second accused/ petitioner was not even present along with the second accused. Only on the basis of the statement recorded from the first accused the first respondent registered a case against the petitioner. Therefore, no evidence is made to proceed with the investigation against the petitioner.



CrI.O.P.No.7789 of 2023

WEB COPY

5. In view of the above FIR cannot be sustained against the petitioner. Hence, the FIR in Crime No.223 of 2023 dated 16.03.2023 pending on the file of the first respondent, The Inspector of Police, E-5, Sholavaram Police Station, Sholavaram, Chennai is quashed. Accordingly this petition is allowed.

26.03.2026

Index: Yes/No
Internet: Yes/No
Speaking/Non-Speaking order
smn

To.

1. The Inspector of Police, E-5 Sholavaram Police Station,
Sholavaram, Chennai-67
2. The Public Prosecutor,
Madras High Court, Chennai.



WEB COPY



CrI.O.P.No.7789 of 2023

G.K.ILANTHIRAIYAN, J
smn

CrI.O.P.No.7789 of 2023

26.03.2026