



Crl.O.P.No.7383 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.03.2026

CORAM:

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

Crl.O.P.No.7383 of 2023 and
Crl.MP.Nos.4675 & 4677 of 2023

K.Sathiyamoorthi

... Petitioner

Vs.

State Represented by:-

V.Narayanan,

Drugs Inspector,

Virudhachalam Range,

O/o. The Assistant Director of Drugs Control,

Villupuram Zone,

Villupuram District

... Respondent

Prayer: Criminal Original petition filed under Section 482 of Cr.P.C. praying to call for the entire records connected with the impugned criminal proceedings in STC.No.304 of 2022 pending on the file of the learned Judicial Magistrate, Thittagudi and quash the same.

For Petitioner : Mr.G.Balamanikandan

For Respondent : Mr.A.Gopinath,
Government Advocate (crl.side)

ORDER

This criminal original petition has been filed praying to quash the proceedings in STC.No.304 of 2022 pending on the file of the learned Judicial Magistrate, Thittagudi.



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2. The respondent lodged complaint alleging that on 10.05.2022, the petitioner's M/s.Udhana Medicals at Kallur MA.Podaiyur Road, Thittagudi Taluk, Cuddalore District was inspected as per the order of the Director of Drugs Control, Villupuram Zone. The petitioner being the proprietor of the said Medicals, has valid drug licence in form No.20 & 21 for five years from the date of issue. The respondent received notice to furnish the prescription register and other documents. On receipt of the same, the respondent issued show cause notice dated 27.05.2022, for which the petitioner submitted explanation. However, it was not satisfactory in nature and as such, the respondent found the following contraventions:

a). Section 18(c) of Drugs and Cosmetics Act 1940 read with Rule 65(2) of the Drugs Rules 1945 for having sold the drugs on prescription by way of retail without the supervision of the registered pharmacist, which is punishable under section 27(d) of the said Act.

b) Section 18(c) of Drugs and Cosmetics Act 1940 read with Rule 65(3)(1) of the Drugs Rules 1945 for having not maintained the prescription properly with details of drugs sold on prescription by way of retail which is punishable under section 27(d) of the said Act.

c) Section 18(c) of Drugs and Cosmetics Act 1940 read with Rule 65(9)(a) of the Drugs Rules 1945 for having sold the drugs without the prescription of



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registered medical practitioners, which is punishable under section 27(d) of the said Act.

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3. Therefore, complaint was filed for the contravention under Sections 18(c) of Drugs and Cosmetics Act, 1940 r/w Rule 65 (2), 65(3) (1), 65(9) (a) of Drugs and Cosmetics Rules, 1945 punishable under Section 27(d) of the said Act and the same has been taken cognizance by the trial court.

4. The learned counsel for the petitioner raised a ground that the respondent is not a competent authority to inspect the shop which is situated within the jurisdiction of Cuddalore District. Therefore, the respondent has no power to inspect the petitioner's medical shop and to lodge complaint. He further submits that whatever the drugs seized by the respondent, to be produced before the court. However, the respondent failed to produce any drug which was seized from the petitioner's medical shop.

5. Heard the learned counsel appearing on either side and perused all the materials placed before this Court.



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6. On perusal of the counter filed by the respondent and also on the submissions made by the learned Government Advocate (crl.side) appearing for the respondent, it is revealed that the respondent was duly authorised to inspect the medical shops situated in the District of Cuddalore, Villupuram, Kallakurichi and Perambalur by the gazette notification dated 12.07.2013 in exercise of powers conferred by Sub Sections (1) and (4) of Section 21 of the Drugs and Cosmetics Act, 1940. Therefore, the respondent was competent to inspect the petitioner's medical shop and also show cause notice was issued Insofar as the drugs which were seized by the respondent are concerned, they have duly been produced before Judicial Magistrate Court, Tittakudi, Cuddalore District along with all list of documents. Therefore, this court finds no grounds to quash the impugned proceedings initiated by the respondent under the Drugs and Cosmetics Act.

7. Accordingly, this criminal original petition is dismissed. Consequently, connected miscellaneous petitions are closed.

11.03.2026

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
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1.The learned Judicial Magistrate, Thittagudi

2.State Represented by:-

V.Narayanan,

Drugs Inspector,

Virudhachalam Range,

O/o. The Assistant Director of Drugs Control,

Villupuram Zone,

Villupuram District

3.The Public Prosecutor,

High Court of Madras



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G.K.ILANTHIRAIYAN, J.

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