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CRL OP Nos. 7780, 7733, and 11172 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 30.04.2026

PRONOUNCED ON : 09.06.2026

CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

CRL OP Nos. 7780, 7733, and 11172 of 2026

and

Crl.M.P.Nos.5507, 5508, 5542 and 5543 of 2026

CRL OP No. 7780 of 2026

Rodney Rodrigo
Son of Regis Rodrigo (Late)
No.55, Sams Villa, LDG Road,
Little Mount, Chennai – 600 015.

..Petitioner/A1

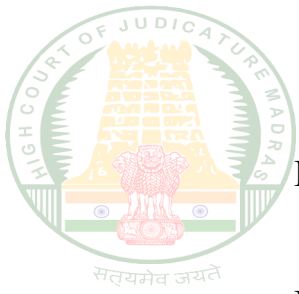
Vs

1.The State Represented by
The Inspector of Police,
C-4, Rajiv Gandhi Government Hospital Police
Station, Flower Bazaar,
Chennai - 600 003.

2. Dr. 2.Theranirajan
Principal,
Madras Medical College and
Rajiv Gandhi Government General Hospital,
Chennai - 600 003.

..Respondent(s)

PRAYER: The Criminal Original Petition filed under Section 528 of BNSS, 2023, praying to call for the records and quash the criminal proceedings against the petitioner in C.C.No.1725 of 2025 pending on the file of the VIII Metropolitan Magistrate, George Town, at Chennai.



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For Petitioner(s):

Mr.Prabhakaran, K.
Assisted by Mr.Navin Suresh

For Respondent-1:

Mr.Leonard Arul Joseph Selvam,
Additional Public Prosecutor

CRL OP No. 7733 of 2026

1. Dharun
S/o.Praveen Kumar,
No.5, M.Sundaraman Nagar,
Madhuranthagam,
Chengalpattu.
2. Jayanth
S/o.4/374 Jakkarai Aravanu,
Nilgiris District.
3. Sanjay Rethinavel
S/o.Balamuruganath,
No.28/20, Ramu Street,
Aanamalai, Pollachi, Coimbatore.

..Petitioners/A2 to A4

Vs

The State Rep By
The Inspector of Police,
C4 Rajiv Gandhi Government Hospital Police
Station, Chennai.

..Respondent(s)

PRAYER: The Criminal Original Petition filed under Section 528 of BNSS, 2023, praying to call for the records in C.C.No.1725 of 2025 pending on the file of the VIII Metropolitan Magistrate, George Town, at Chennai and to quash the same as against the petitioner.

For Petitioners :

Mr.R.C.Paul Kanagaraj

For Respondent-1:

Mr.Leonard Arul Joseph Selvam,
Additional Public Prosecutor



CRL OP No. 11172 of 2026

Karthic R
S/o.Dr.Rajendran,
Residing at No.B-12,
Sri Vari Brindhavan,
Avarampalayam, M G Road,
Coimbatore - 641 006.

..Petitioner/A5

Vs

2. The State Represented by
The Inspector of Police,
C-4, Rajiv Gandhi Government Hospital Police
Station, Chennai - 600 003.
(Crime No.12/2025)

3. The Principal,
Rajiv Gandhi Medical College and
Rajiv Gandhi Government General Hospital,
Chennai - 600 003.

..Respondent(s)

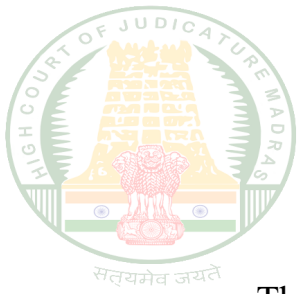
PRAYER: The Criminal Original Petition filed under Section 528 of BNSS, 2023, praying to call for the records pertaining to C.C. No.1725 of 2025 on the file of the learned VIII Metropolitan Magistrate, George Town, Chennai and quash the same by allowing this Criminal Original Petition.

For Petitioner(s):

Mr.P.Parthipan

For Respondent-1:

Mr.Leonard Arul Joseph Selvam,
Additional Public Prosecutor



COMMON ORDER

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The petitioners, who are A1 to A5 in C.C.No.1725 of 2025 facing trial for offence under Sections 8(c), 20(b)(ii)(A), 27(a) and 29(1) of NDPS Act, had filed this quash petition.

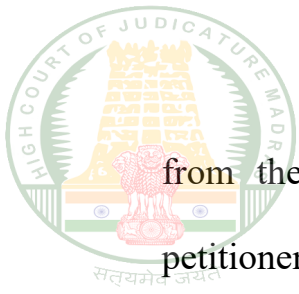
2. Since all the petitions arising out of a common C.C.No.1725 of 2025, these petitions are disposed of by a common order.

3. The petitioner/A1 is a BBA graduate, petitioners/A2 to A5 are medical college students, staying at 7th Floor, 3rd Block of Madras Medical College Student's hostel. The de facto complainant, Principal of Madras Medical College and Dean of Rajiv Gandhi Government General Hospital had lodged a complaint on 10.03.2025 to the respondent stating that in the morning hours the Principal conducted an inspection in the Medical College Men House Surgeon hostel in Room Nos.3708, 3739 and 3750, in which the petitioners A2 to A5 were staying. At that time from their rooms, liquor bottles, tobacco and Ganja found. The petitioners/A3 to A5 admitted that they consumed Ganja. Further from their rooms 4 vials ketamine injection, Phenylephrine (Eye Drops – Physician sample) found and from Room No.3739 occupied by Dharun/A2 and Jayanth/A3, 110 grams of Ganja, from Room No.3750 occupied by Karthik/A5, 15 grams of Ganja and from Room No.3708 occupied by Sanjay/A4, 34 grams



of Ganja seized. Thereafter the accused persons were produced before the respondent police. On the same day at about 8.00 p.m., the respondent police registered a case in Crime No.12 of 2025. On conclusion of investigation, listing witnesses LW1 to LW19 and on production of materials charge sheet filed before the trial Court and the case is pending trial.

4.The contention of the learned counsel for petitioner/A1 in Crl.O.P.No.7780 of 2026 is that in this case on 10.03.2025 F.I.R. registered. The petitioner/A1 was arrested in this case on 28.07.2025 and it is projected that the petitioner used to source Ganja from Bangalore and used to sell the same near Central Railway Station area and near the Rajiv Gandhi Government Hospital and the students from Madras Medical College used to purchase Ganja from him. After the arrest of the petitioner, no Ganja or any contraband seized or recovered from him but in the confession statement it is projected as though the petitioner on 27.02.2025 purchased 1½ kgs. of Ganja and sold the same to the petitioners/A2 to A5 and to other known students of the medical college. Later on that day, when he was standing near his house, J-4 Kotturpuram Police came, enquired and from the petitioner/A1, 1 kg 250 grams of Ganja seized in Crime No.114 of 2025. Thereafter he was arrested and later came out on bail and he was found near Madras Medical College subway to sell ganja to medical students and he was arrested in this case on 28.07.2025. In this case, the petitioners/A2 to A5, Medical College students were arrested on 10.02.2025 and



from their hostel rooms, Ganja said to have been seized. Thereafter the petitioner is said to have sold another 1.250 kgs on 27.02.2025, which no prudent person would do when the arrest of the medical college students for possessing ganja published both in print and visual media. In such circumstances, projecting the petitioner as a Ganja Peddler is not proper. Added to it, the petitioner's name does not find place in the F.I.R. He was arrayed as accused primarily on the confession of the co-accused A2 and A3. Further from the petitioner no recovery made. The petitioner initially joined Peri Institute of Technology in B.E. Course. Since his father suddenly passed away, he was unable to pay college fees, and he discontinued B.E. and later joined B.B.A. Course in SRM college. At that time, he is said to have got into the habit of smoking Ganja. In the petitioner's confession, it is recorded petitioner used to buy Ganja from Andhra Pradesh and Bangalore for his own use and for peddling, no recovery of contraband Ganja recorded. Further, there is no whisper or reference about the petitioner in the statement of witnesses, except for the confession of A2 and A3, from the petitioner's confessions there is no recovery. Taking the case as a whole and from the uncontroverted statements and documents produced, there is nothing to point against the petitioner/A1 involvement in the above case.

5.The contention of the learned counsel for petitioners/A2 to A4 in Crl.O.P.No.7733 of 2026 is that the petitioners/A2 to A4 are final year students



doing M.B.B.S. Degree in Madras Medical College and the Principal of the Madras Medical College lodged a complaint to the respondent police that on 10.03.2025 in the morning hours, the Principal was checking the rooms of the Medical College Men house surgeon hostel and from Room No.3739 occupied by Dharun/A2 and Jayanth/A3, 110 grams of Ganja, from Room No.3750 occupied by Karthic/A5, 15 grams of Ganja and from Room No.3708 occupied by Sanjay/A4, 34 grams of Ganja seized. In this case, the de facto complainant/Principal submits that he inspected the room in the morning hours on 10.03.2025. But the complaint lodged only at about 8.00 p.m., though the respondent police station is within the hospital campus. It is further submitted that in this case the petitioners said to have admitted that they were in the habit of consuming Ganja. But no such statements recorded either by the Principal, Vice Principal, Warden, Manager and Head Nurse, who all came as a team. None of them recorded anything to show that petitioners admitted of consumption of ganja or in the habit of consuming ganja. He further submitted that in this case the complaint was given by none other than the Principal of Madras Medical College and The Dean of Rajiv Gandhi Government General Hospital. In the complaint, he states that from the petitioner's room, liquor bottles, Tobacco and Ganja found. What happened to the liquor bottle and what was the tobacco, there is no reference in the charge sheet. To get over this false complaint, further statement recorded to show, on wrong assumption liquor bottle and tobacco included. Further in the complaint there is a reference to

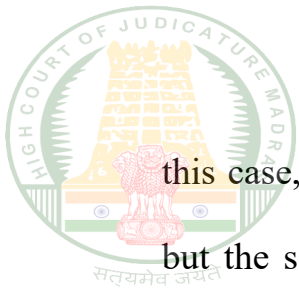


Ketamine injection 4 vials and phenylephrine (Eye Drops). What happened to these two seized articles, there is no records.

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6.He further submitted that the specific case of the de facto complainant is that he enquired petitioners/A2 to A5 and thereafter contraband seized from their rooms and along with the contraband he produced the petitioners before the police station. But the respondent police in the seizure mahazar recorded that the seizure from A2 made at 08.25 p.m., from A3 at 09.50 p.m. and from A4 at 10.30 p.m. on 10.03.2025 in Tower-III, 7th Floor at Rajiv Gandhi Government General Hospital, which are contradictory to the statement of de facto complainant. Thus, the arrest and recovery become highly doubtful. He further submitted that separate procedure contemplated under NDPS Act. In this case, the respondent police not followed the statutory procedures under Sections 42, 50, 52A(2) and 57 of NDPS Act.

7.He further submitted that in this case, LW1, LW2, LW3, LW4 and LW6 inspected the hostel rooms. LW5 is the witness for seizure of mobile phone of the petitioners. LW8 is the Casualty Medical Doctor, who examined the petitioners and recommended for urine test. LW10 conducted the urine test and found negative in the test of A2 and A3, except some traces in the urine of A4. The witnesses for arrest and confession/LW11 and LW12 confirm that since the police requested, they signed as witnesses. He further submitted that in



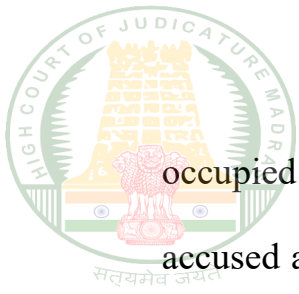
this case, the contraband was produced on 10.03.2025 to the respondent police but the same was sent to forensic lab only on 21.03.2025, with an inordinate delay. For the delay, there is no reason given and in whose custody the contraband was kept from 10.03.2025 to 21.03.2025, there is no explanation, chain of custody not produced. The petitioners are all bright students, who have scored good marks in their 12th examination and NEET examination. Thereafter they joined medical course and now they were in final year, since they were abrasive, above case foisted due to which their entire career and future will be jeopardised.

8.The contention of the learned counsel for petitioner/A5 in Crl.O.P.No.11172 of 2026 is that the statement of de facto complainant and his team, namely, LW2, LW3, LW4 and LW6 is that the petitioners/A2 to A4 were present when the team inspected the hostel room and the petitioner/A5 was also enquired and from his Room No.3750, 15 grams of ganja said to have been seized. The inspection was on 10.03.2025. After coming to know about the inspection and seizure of ganja, which was widely published in print and visual media, the petitioner coming to the hostel again is highly impossible. If the petitioner was present at the scene of occurrence, he would have been produced before the respondent police. How this petitioner was left out, there is no explanation. In fact, the petitioner arrayed as accused based on the confession of co-accused. On coming to know about the incident, the petitioner voluntarily



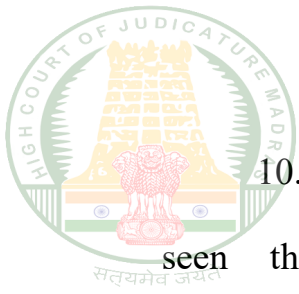
surrendered before the respondent police on 28.03.2025. From the petitioner's confession there was no recovery. He further submitted that in this case no urine or blood test conducted with the petitioner/A5. Neither there is recovery from the petitioner nor any proof to confirm that petitioner had consumed ganja or any narcotic substance. In this case, merely on the confession of the co-accused petitioner is being arrayed as accused without any material. The petitioner/A5 is a final year medical college student. Hence, the learned counsel for petitioners prayed for quashing of the F.I.R.

9.The learned Additional Public Prosecutor opposed the petitioners' contention and submitted that in this case the de facto complainant is none other the Principal of Madras Medical College. On 10.03.2025, on a routine check conducted in the 7th Floor, III block of the Men's hostel, the de facto complainant along with LW2/Vice Principal, LW3/Deputy Warden and LW4/Hostel Manager and LW6/Staff Nurse conducted an inspection in the Medical College Men house surgeon hostel in Room Nos.3708, 3739 and 3750, wherein the petitioners A2 to A5 staying. At that time from the hostel rooms, liquor bottles, tobacco and Ganja found. The petitioners/A2 to A5 admitted that they consumed Ganja. Further from their rooms 4 vials ketamine injection, Phenylephrine (Eye Drops – Physician sample) found and from Room No.3739 occupied by Dharun/A2 and Jayanth/A3, 110 grams of Ganja, from Room No.3750 occupied by Karthik/A5, 15 grams of Ganja and from Room No.3708

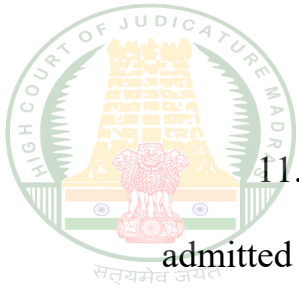


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occupied by Sanjay/A4, 34 grams of Ganja were seized. During enquiry, all the accused admitted of using of narcotics substances and thereafter narcotics were seized, accused were produced before LW18, who received the complaint, registered a case in Crime No.12 of 2025. Immediately, the respondent police went to the scene of occurrence, prepared observation mahazar, rough sketch in presence of LW7 and LW8 on the same day, at 8.30 p.m. Thereafter the petitioners were enquired and contraband produced before the learned Magistrate. In this case, the samples of ganja sent to forensic expert/LW17, who confirmed that the samples contains ganja. After the arrest of the accused, the casualty medical officer, who examined the accused, gave Accident Register report and thereafter referred to biological test/urine test. LW10 conducted the urine test and found negative for A2 and A3, urine test answered positive for A4 confirming A4 was in the habit of using ganja. In this case, A5 subsequently arrested on 28.03.2025. The petitioner/A1 was involved in yet another case of similar nature in Crime No.114 of 2025 investigated by J-4, Kotturpuram Police Station. In this case, from the hostel room contraband seized. All the accused gave confession. Their confession recorded in presence of witnesses. The contraband was sent for forensic examination and on collection of materials, charge sheet filed listing LW1 to LW19. The forensic report confirms that the contraband seized from the petitioners is ganja.



10. Considering the submissions made and on perusal of the materials, it is seen that on 10.03.2025, at the morning hours, the de facto complainant/Principal of Madras Medical College conducted an inspection along with LW2/Vice Principal, LW3/Deputy Warden, LW4/Hostel Manager and LW6/Staff Nurse at 7th Floor, Block-III in Medical College Men house surgeon hostel in Room Nos.3708, 3739 and 3750, in which the petitioners A2 to A5 were staying. At that time from the hostel rooms, liquor bottles, tobacco and Ganja found. Further from their rooms 4 vials ketamine injection, Phenylephrine (Eye Drops – Physician sample) found and from Room No.3739 occupied by Dharun/A2 and Jayanth/A3, 110 grams of Ganja, from Room No.3750 occupied by Karthik/A5, 15 grams of Ganja and from Room No.3708 occupied by Sanjay/A4, 34 grams of Ganja were seized. The petitioners/A2 to A5 enquired. The specific case of the de facto complainant and other witnesses is that all the accused were apprehended, enquired, ganja seized in the morning hours and thereafter they were produced and handed over to the respondent police. The respondent police registered a case in Crime No.12 of 2025 at about 20.00 hours. It is a known fact that the police station is within the hospital complex and the hostel is adjoining to the hospital and it is not far away place. There was a delay of 10 days in sending the contraband for forensic examination, but no explanation has been given. The chain of custody not produced.



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11. Further, though LW1 and other witnesses state that the petitioners admitted of consuming ganja and ganja seized from the rooms of the petitioners, there is no record to the same. From the seizure mahazar, it is seen that petitioners arrested on 10.03.2025 and seizure from A2 made at 08.25 p.m., from A3 at 09.50 p.m. and from A4 at 10.30 p.m. and mobile phones said to have been seized from them and arrest is shown at the 7th floor, III-Block in Rajiv Gandhi Government General Hospital. But the specific case is that they were produced before the respondent police along with contraband. In this case, admittedly, none of the procedures as contemplated under NDPS act followed. It is stated that it is a chance recovery, during the routine check, ganja was found in the petitioners' room. Whatever may be the reason given, once it is confirmed that the contraband is ganja or doubted to be ganja, and the same seized, thereafter the procedures contemplated under NDPS Act ought to be followed in strict sense. The statutory procedures under Sections 42, 50, 52A(2) and 57 of NDPS Act or the procedure under Section 100 of Cr.P.C. not followed. In the complaint it is shown that in the hostel rooms, there was some liquor bottle and tobacco products found and later by way of further statement this liquor bottle and tobacco taken away.

12. Further, in this case it is recorded that petitioners/A2 to A5 present together, they were enquired but A5 was not shown arrest on the same day and he was arrested on 28.03.2025. From A3, there is no seizure or recovery.

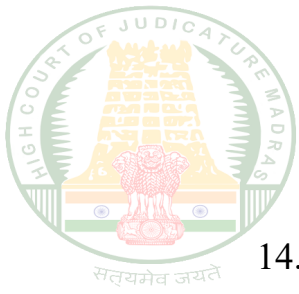


Further from the confession of A2 to A4, it is seen that there is no seizure or recovery. Even prior to the arrest and confession, the contraband, according to

LW1 produced to the respondent police. Hence, the confession is of no value.

The urine test proved negative for A2 and A3 and no urine test conducted for A5. With regard to A4, small traces found and admittedly, when and where he consumed Ganja or any narcotic, there is no details or any explanation. It is to be seen, Men's House Surgeon Hostel, is a place free for all, there is no restricted entry. In such case, attributing narcotics to the petitioners is highly doubtful.

13. In this case, the entire case revolves around A1, who is said to have sourced Ganja and from him A2 to A5 purchased. Admittedly, A1 was arrested in this case only on 28.07.2025, on his arrest there is no recovery. The arrest of A1 is also highly dramatic. In the confession, he records as though he used to sell Ganja in the Central railway station and to the students of Madras Medical College and on 28.07.2025 he came there to sell Ganja. But, after his arrest, no contraband recovered from him. Added to it, it is recorded that on 27.02.2025, he was arrested by J-4 Kotturpuram Police in Crime No.114/2025 and at that time he was found with 1.250 kgs. of Ganja. But these materials are not part of the charge sheet in the present case. Thus, from the confession of A1, there is no recovery and the confession is of no value.



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14. In this case, there is clear violation of the proceedings contemplated under the NDPS Act, which in strict sense to be followed. The Principal of the college is not an authority under NDPS Act to seize, conduct search on the accused persons and he is not an empowered officer under Section 41 and 42 of NDPS Act. The de facto complainant, Principal ought to have secured the place, immediately informed the empowered officer or the police. The Principal with considerable delay produced them to police, atleast thereafter the respondent police ought to have followed the procedures contemplated under NDPS Act, but all statutory conditions violated and not followed. Now in this case the seizure not recorded as per procedure. Prior to the search, the statutory provisions not followed. Hence, the search and seizure are not in accordance with law, the seizure is improper and cannot stand the scrutiny of law. The entire case originates from the seizure and the principle of raffle effect applies, wherein if the initial action is void for want of jurisdiction, then it will lead to the inevitable consequences that all subsequent actions thereafter would also result in a nullity. Further, an action taken in complete violation of procedure and law, all following acts gets nullified. The inception of foundational facts becomes shaky and doubtful. The search, seizure, arrest all in clear violation of statutory provisions, further chain of custody for the seized contraband not recorded. The NDPS Act is a special statute and requires strict compliance. In the present case, all statutory provisions violated. When the foundation falls,



necessarily the structure to fall. Hence, further proceedings of the above case not sustainable both on facts and in law.

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15. Thus from the above facts it is clear that continuation of the proceedings against the petitioners would be nothing but an exercise in futility. Further considering that petitioners are all students and more particularly the petitioners/A2 to A5 are final year medical students, A1 a B.B.A. student, the pendency of the above case would cast a blot on their education and career. Stray incidents ought not to affect the entire future of budding doctors, who have undertaken the profession to serve society. Petitioners are bright students, secured medical seat with hard work and determination. The petitioners/A2 to A5 are meritorious students, now completed their M.B.B.S. course, due to some misdirection, strayed from the normal path, to be brought back and integrated with the society to continue their medical profession with dedication. Hence, in order to secure ends of justice, this Court is inclined quash the proceedings against the petitioners.

16. Hence, the criminal proceedings against the petitioners/A1 to A5 in C.C.No.1725 of 2025 pending on the file of the learned VIII Metropolitan Magistrate, George Town, Chennai, is hereby quashed and the petitioners are discharged from all charges.



17. Accordingly, these Criminal Original Petitions are allowed.

Consequently, the connected Criminal Miscellaneous Petitions are closed.

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18. The above case cannot be quoted against the petitioners in their future education, employment or in any other manner.

09.06.2026

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

To

1. The VIII Metropolitan Magistrate,
George Town, Chennai.
2. The Inspector of Police,
C-4, Rajiv Gandhi Government General
Hospital, Chennai - 600 003.
3. The Principal,
Rajiv Gandhi Medical College and Rajiv
Gandhi Government General Hospital,
Chennai - 600 003.
4. The Public Prosecutor,
High Court, Madras.



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CRL OP Nos. 7780, 7733, and 11172 of 2



M.NIRMAL KUMAR, J.

RSI

**Pre-delivery common order in
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and
CrI.M.P.Nos.5507, 5508, 5542 and 5543 of 2026**

09.06.2026