



Crl.O.P. No. 10451 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.04.2026

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THE HONOURABLE MR. JUSTICE M. NIRMAL KUMAR

Crl.O.P. No. 10451 of 2026

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Crl.M.P. Nos. 7477 & 7479 of 2026

1. M/s. Eurokem Laboratories Pvt. Ltd.,
rep.by its Director,
Mr. Rajesh B. Jain

2. Mr. Rajesh B. Jain
Director,
M/s.Eurokem Laboratories Pvt.Ltd.

..Petitioners

Vs.

State rep.by
Seniors Drugs Inspector,
Kanchipuram Zone,
359, DMS Campus,
Anna Salai, Teynampet,
Chennai – 600 006.

..Respondent

Prayer: Criminal Original Petition filed under Section 528 of BNSS to call
for the entire records in C.C. No. 137 of 2025 pending on the file of Chief



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Judicial Magistrate, Kancheepuram and quash all further proceedings against the petitioners.

For Petitioners	::	Mr.P. Ramesh Kumar
For Respondent	::	Mr.L. Baskaran, Govt. Advocate (Crl.Side)

O R D E R

The petitioners/A1 and A2 facing trial in C.C. No. 137 of 2025 for the offence under Section 18(a)(1) r/w 27(d) of the Drugs and Cosmetics Act have filed this quash application.

2(i). The 1st petitioner is a company carrying on business in the manufacture of pharmaceutical drugs. The second petitioner is the Director cum Authorized person of the 1st accused company. The allegation against the petitioners is that a sample of Aspirin Tablets IP 150mg Batch No. AR24038 Manufacturing date 09/2024, Expiry Date 11/2025 was drawn for analysis from Government Primary Health Center, Kalaingar Road, Salamangalam, Padappai vide Form 17 and when one sealed sample portion was sent to the Government Analyst(Drugs), Drugs



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Testing Laboratory, Chennai – 6 under Form 18 No. PN/13/SDI/KPM/25 dated 07.05.2025 for analysis as per Section 23(4)(i) of Drugs and Cosmetics Act, 1940, by report No. 00941-D/2025-26 dated 02.07.2025, the Government Analyst had declared the sample as not of standard quality for the reason that it did not conform to I.P. specification for Aspirin Tablets with respect to related substances and to the content of Aspirin (86.4%) thereby violating Section 18(a)(i) of the Drugs and Cosmetics Act, 1940 and Rules, 1945.

2(ii) When information was sought by the complainant from the Government Primary Health Centre, Salamangalam, Padappai regarding the name and address of the manufacturer by whom the said drug was supplied, a reply letter dated 11.07.2025 was received from The Pharmacist, Government Primary Health Centre, Salamangalam, Padappai disclosing that the subject drug was received from Drug Warehouse, TNMSC Ltd., Kanchipuram and subsequently, on information furnished by letter dated 05.08.2025 from Warehouse Incharge, Drug



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Warehouse, TNMSC Limited, Kanchipuram, it came to light that the subject drug was purchased from the petitioner company. After obtaining the details of the petitioners and after obtaining sanction from the Deputy Director of Drugs Control and Controlling Authority cum Licensing Authority, O/o. The Director of Drugs Control, Chennai -6, prosecution was launched against the petitioners.

3. Learned counsel for the petitioners submitted that the petitioners disputing the report of the Government Primary Health Centre, wanted sample to be sent to Central Drug Laboratory, Kolkata. Therefore, an application under Section 25(4) of the Drugs and Cosmetics Act was filed to send the 4th portion of the sample deposited before the Court for further analysis to Central Drug Laboratory at Kolkata. Accordingly, the 4th portion of the sample was sent to Central Drug Laboratory, Kolkata for analysis and the sample was found to be of standard quality by its report dated 14.01.2026. Learned counsel further submitted that the report of Central Drug Laboratory, Kolkata, is conclusive and it would prevail over



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the report of the Government Analyst of Government Primary Health Centre, Salamangalam, Padappai Therefore, the prosecution launched against the petitioners cannot be proceeded with. Hence, the present quash application.

4. Learned Government Advocate (Crl.Side) submitted that pursuant to the report of the Government Analyst dated 02.07.2025 with regard to the sample of Aspirin Tablets IP 150mg Batch No. AR24038 Manufacturing date 09/2024, Expiry Date 11/2025 drawn from Government Primary Health Centre, Salamangalam, Padappai, that it is not of standard quality for the reason that it did not conform to the I.P. specification for Aspirin Tablets with respect to related substances and to the content of Aspirin (86.4%) and on collecting information, it was found petitioners manufactured and supplied subject drug, prosecution was launched against the petitioners after obtaining sanction listing the complainant as L.W.1 and Government Analyst as L.W.2. However, the learned Government Advocate fairly submitted that since the petitioners not



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agreed to the report of the Government Analyst, application filed under Section 25(4) of Drugs and Cosmetics Act to send the 4th portion of the sample deposited before the Court for further analysis to Central Drug Laboratory, Kolkata and as per the report of the said laboratory, the sample was found to conform to I.P. with respect to test for related substances and assay of aspirin.

5. Considered the rival submissions and perused the materials on record.

6. It is seen from the report of the Central Drug Laboratory, Kolkata, that the 4th portion of the drug sample drawn from Government Primary Health Centre, Kalaignar Road, Salamangalam, Padappai, which was from the petitioner company, was found to be of standard quality and the reports states that ‘ *the sample conforms to I.P. with respect to test for Related substances and Assay of Aspirin*’. Moreover, Mr. P. Nithin Kumar, Senior Drugs Inspector/complainant is present in Court and he confirms the same. Since the report of Central Drug



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Laboratory, Kolkata, is a conclusive one and it would prevail over the earlier report of the Government Analyst, the continuation of the prosecution against the petitioners will not serve any purpose and it is clear abuse of process of law.

7. In the result, the criminal original petition is allowed and the proceedings in C.C. No. 137 of 2025 on the file of Chief Judicial Magistrate, Kancheepuram is hereby quashed. Connected miscellaneous petitions are closed.

27.04.2026

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To

1. The Chief Judicial Magistrate,
Kancheepuram.
2. Seniors Drugs Inspector,
Kanchipuram Zone,
359, DMS Campus,
Anna Salai, Teynampet,
Chennai – 600 006.
3. The Public Prosecutor,
High Court, Madras.

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M. NIRMAL KUMAR,J.

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