



Crl OP No.5818 of 2026
and Crl MP No.4323 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.03.2026

CORAM:

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

**Crl O.P. No.5818 of 2026
and Crl M.P. No.4323 of 2026**

1.M/s.Aarmed Formulation Pvt Ltd.,
C117, Sagar Estate, B/H Jamnagar Ware House,
Sarkhej, Ahemedabad – 382 213.
Represented by its Director,
Mr.Jyothikumar Rungta

2.Thiru.Jyothikumar Rungta
Director of M/s.Aarmed Formulation Pvt Ltd.,
C117, Sagar Estate, B/H Jamnagar Ware House,
Sarkhej, Ahemedabad – 382 213.

... Petitioners

VS

The State Rep by
The Drugs Inspector, Coimbatore III Range,
Office of the Assistant Director of Drugs Control,
Coimbatore Zone, 219 Race Course Road,
Coimbatore – 641 018.

.... Respondent

Prayer : Criminal Original Petition filed under Section 528 of BNSS, 2023, to call for the records in CC No.718 of 2017 on the file of the learned Judicial Magistrate No.II, Coimbatore and quash the same as against these petitioners.



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For Petitioners : Mr.S.Ranjithkumaran
For Respondent : Mr.Leonard Arul Joseph Selvam
Additional Public Prosecutor

ORDER

This criminal original petition is filed to call for the records in CC No.718 of 2017 on the file of the learned Judicial Magistrate No.II, Coimbatore and quash the same as against these petitioners.

2. The petitioners, who are arrayed as A10 and A11, had filed this petition seeking to quash the complaint filed for contraventions of Section 18(a)(i), 18A and 18B of the Drugs and Cosmetics Act, 1940 which is punishable under Section 27(d), 28 and 28A of the said Act respectively. The case of the prosecution is that the drug namely, “ZIPCOLD-DX (Dextromethorphan Hydrochloride, Chlorpheniramine Maleate & Phenylephrine Hydrochloride) Soft Gel Capsules”, B.No: ASG-061, M/D: 02/16, ED : 01/18, Mfd by M/s.Adsila Organics Pvt Ltd., Liwaspur Road, Vill, Bahalgarh – 131 021 was drawn by the Drugs Inspector, Coimbatore III Range for analysis from M/s.BVV Pharmaceuticals,

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D.N:9, LBS Tower-2, Bharathiyar Road, Annanagar, Ganapathy,

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Coimbatore – 641 006 under Form 17 (No.Nil), Dated 22.02.2017. It was sent for analysis under Form 18 (No.Nil), Dated : 22.02.2017 and the same has been reported as “NOT OF STANDARD QUALITY” by the Govt. Analyst (Drugs), Drugs Testing Laboratory, Chennai – 6 under Form 13 bearing Number 08519-D/2016-17 dated 21.04.2017 for the reason that “The sample does not conform to Label Claim with respect to the content of Dextromethorphan Hydrochloride, Chlorpheniramine Maleate and Phenylephrine Hydrochloride”. The percentage content of the above said sample given in Form 13 No.08519-D/2016-17 dated 21.04.2017 of the Govt. Analyst is

1. Dextromethorphan Hydrobromide – 5.89 mg (58.90%)
2. Chlorpheniramine Maleate – 1.20 mg (60%)
3. Phenylephrine Hydrochloride – 2.27 mg (45.40%)

Thereafter, a show cause notice dated 28.04.2017 was issued to A4 calling for explanation. A4 has sent a reply that he had purchased from A7, A8 and A9. Thereafter, show cause notice was issued to A7 to A9 on 11.05.2017. But A7 to A9 who had replied on 18.05.2017 informing they



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had purchased the drug from A10, A11, A12 & A13. The show cause notice was issued to A13 on 08.06.2017 and A10 to A12 reply was received on 30.06.2017 and 18.07.2017 informing that the drug was purchased from M/s.Singhal Traders, New Delhi. The show cause notice passed on 01.08.2017 followed by a reminder on 10.08.2017. No reply was received from M/s.Singhal Traders, hence, the prosecution was launched from whom the drugs have been purchased.

3. The learned counsel for the petitioners submitted that the case as against A1 to A3, who is said to be the manufacturer of the drugs, was quashed by this Court in Crl.O.P Nos.23142 & 23148 of 2019 on the ground that samples were tested on 24.01.2018 and the report were sent only on 04.05.2018 after the life of the drug had already expired. Thereafter, there would be no useful purpose and hence by a detailed order, this Court quashed the proceedings against them. Following the same, as regards other accused namely, A5 to A9, this Court had quashed the proceedings in Crl.O.P.No.10505 of 2020 by an order dated 11.06.2025. In this case, A10 to A12 are arrayed as accused who are associated with M/s.Aarmed Formulation Pvt Ltd. Since A12 has passed

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away, no quash application has been filed for A12 -Mr.Atma Ram

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Agarwal, Director and quashed only for A10 & A11.

4. The learned Additional Public Prosecutor submitted that the petitioner had given a reply stating they had collected the drugs from M/s.Singhal Traders. But there is no such traders available in the said address. But he fairly submitted that the case against the manufacturer of prime accused A1 to A3 had been quashed on the ground that the expiry date has already elapsed and no useful purpose would be served if the drug has to be sent for testing again. In view of the above this Court find no reason to continue the proceedings as against the petitioners and also against A12.

5. Accordingly, this Criminal Original Petition stands allowed and the proceedings in C.C.No.718 of 2017 on the file of the Judicial Magistrate No.2, Coimbatore is hereby quashed and also against A12. Consequently, connected Criminal Miscellaneous Petition is closed.

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To

- 1.Judicial Magistrate No.2,
Coimbatore.
- 2.The Drugs Inspector, Coimbatore III Range,
Office of the Assistant Director of Drugs Control,
Coimbatore Zone, 219 Race Course Road,
Coimbatore – 641 018.
- 3.The Public Prosecutor
High Court, Madras.



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M.NIRMAL KUMAR, J.

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