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Crl.O.P.No.34856 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.01.2026

CORAM:

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.34856 of 2025
and Crl.M.P.No.24453 of 2025

Vijay

... Petitioner

Vs.

1. The State represented by,
The Inspector of Police,
Virinchipuram Police Station,
Vellore District.
2. M.Srinivasan
The Sub-Inspector of Police,
Virinchipuram Police Station,
Vellore District.

... Respondents

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, to call for the records and to quash the First Information Report in Crime No.184 of 2025 dated 16.08.2025, pending investigation on the file of the first respondent Police as against this petitioner.

For Petitioner : Mr.Adithya Varadarajan

For R1 : Mr.S.Santhosh
Government Advocate (Criminal Side)



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ORDER

WEB COPY The present Criminal Original Petition has been filed seeking to quash the First Information Report in Crime No.184 of 2025, pending on the file of the first respondent police.

2. The brief facts of the case are that on 16.08.2025, based on secret information, the respondent police reached Abdulapuram, where, they found that the accused were allegedly selling contraband to the school going children. On seeing the respondent police, two of the accused fled away from the spot and the respondent police arrested two accused and recovered 256 Tapentadol tablets and 250 grams of cannabis from them. Thereafter, the first respondent police registered a case in Crime No.184 of 2025 for the offences under Sections 123 and 171 of the BNS, Section 77 of the Juvenile Justice (Care and Protection of Children) Act, 2015 and Sections 8(c) and 20(b)(ii)(A) of the Narcotic Drugs and Psychotropic Substances Act, 1985. Based on the confession of the first accused, the petitioner herein was implicated in this case.

3. The submission of the learned counsel appearing for the petitioner are as follows:-



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3.1. The alleged contraband is said to have been emanated from one P & C Health Care, owned by the petitioner's wife. The said P & C Health Care is a super stockist dealing with the pharmaceuticals drugs and they had purchased the alleged contraband from Baxton Pharmacia Pvt. Ltd., which was subsequently sold to a retailer named Balaji Medicals.

3.2. Further, the first respondent police arrested the petitioner and produced him for remand; however, the learned Magistrate, finding that there was no material against the petitioner, rejected the remand.

3.3. The petitioner/A6, who has no role in this case, by way of documents, will be able to prove that he has not sold the contraband to anybody in an unauthorized manner. Therefore, he prayed to quash the First Information Report against the petitioner.

4. The submissions of the learned Government Advocate (Criminal Side) are as follows:-

4.1. The investigation of this case is at a very nascent stage.

4.2. The petitioner is the person who had supplied the contraband to the other accused and there are materials against him.

4.3. The rejection of the petitioner's remand cannot be a ground for quashing the FIR. Further, the first respondent police has also



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filed an application seeking to set aside the order rejecting the petitioner's remand and to take custody of the petitioner, which is pending.

4.4. The Hon'ble Supreme Court, in the case of *State Vs. M.Maridoss and Another* reported in (2023) 4 SCC 338, has held that, as per the settled position of law, it is the right conferred upon the investigating agency to conduct the investigation and reasonable time should be given to the investigating agency to conduct the investigation unless it is found that the allegations in the FIR do not disclose any cognizable offence at all or the complaint is barred by any law.

4.5. The case was registered only on 16.08.2025 and therefore, the First Information Report against the petitioner is not liable to be quashed.

5. Heard both sides and perused the materials available on record.

6. Upon perusal of the materials, this Court finds that the case was registered only on 16.08.2025 and that though the remand of the petitioner was rejected, the first respondent police have filed an application to set aside the order rejecting the remand. Taking into consideration the fact



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that the investigation is at a very nascent stage and there are materials against the petitioner, this Court is not inclined to interdict the investigation at this stage.

7. At this juncture, the learned counsel appearing for the petitioner submitted that the respondent may be directed to consider the materials available with the petitioner and to complete the investigation as expeditiously as possible.

8. As held by the Hon'ble Supreme Court in *M.Maridoss (supra)*, the right conferred upon the investigating agency should not be stifled and a reasonable time must be given to the investigating agency to conduct the investigation.

9. In view of the above, this Criminal Original Petition stands dismissed. Consequently, the connected miscellaneous petition is closed. However, the first respondent police is directed to conduct a fair and thorough investigation.

05.01.2026

Neutral Citation: Yes/No
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To

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1. The Inspector of Police,
Virinchipuram Police Station,
Vellore District.
2. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA, J.

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