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CrI.O.P.No.35208 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2026

CORAM:

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

CrI.O.P.No.35208 of 2025
and CrI.M.P.No.24742 of 2025

Kajendran

... Petitioner

Vs.

1. The State of Tamil Nadu,
Rep by The Inspector of Police,
Attaiyampatti Police Station,
Salem.
(Crime No.250 of 2024).

2. Tamilraj D

... Respondents

PRAYER : Criminal Original Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, (a)To dispense with the appearance of the petitioner in STC No.7438 of 2025, on the file of Judicial Magistrate IV-Salem, till the disposal of the Criminal Original Petition; (b) stay all further proceedings in connection with STC No.7438 of 2025, on the file of Judicial Magistrate IV-Salem, till the disposal of the Criminal Original Petition; and (c) call for the records in connection with STC No.7438 of 2025, on the file of Judicial Magistrate IV -Salem and quash the same as illegal.

For Petitioner : Mr.M.Ragul Kousik

For R1 : Mr.K.M.D.Muhilan

Additional Public Prosecutor



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ORDER

This Criminal Original Petition has been filed to dispense with the appearance of the petitioner in STC No.7438 of 2025, to stay all further proceedings in connection with STC No.7438 of 2025 till the disposal and to call for the records in S.T.C.No.7438 of 2023, on the file of the learned Judicial Magistrate IV -Salem and quash the same as illegal.

2.The case of the prosecution is that on 16.10.2024 at about 10.00 hrs, based on secret information, the *de facto* complainant, along with two other officials, arrived at the scene of occurrence and found the accused 1 and 2 with illegal possession of contraband substances and selling the same to college students and others. Each of them possessed 5 packets of Ganja which was above 25 grams and therefore, they were arrested and based on their confession, other accused also were arrested.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an MBA graduate and that he has been falsely implicated in this case. He would submit that the respondents have not followed the provisions of Sections 51 and 52-A of the NDPS Act. Further, the respondents have also failed to file the forensic report along with the charge sheet. Hence, he would submit that the further proceedings against



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the petitioner is an abuse of process of law and the case is liable to be quashed.

4. Per contra, the learned Additional Public Prosecutor would submit that the instant proceedings cannot be quashed since it is a violation of a mandatory provisions under Section 482 of Cr.P.C. and it is a matter for trial. He would further submit that if there is any violation, then it is a matter for trial and this Court cannot quash the proceedings without evidence being let in by the parties. He would further submit that the forensic report has been filed before the trial Court on 30.07.2025.

5.Heard the learned counsel on either side and perused the materials available on record.

6.The question as to whether there is a violation of a statutory provision or not is a matter for trial and it cannot be decided in the petition filed under Section 482 of Cr.P.C.

7.At this juncture, the learned counsel for the petitioner submitted that the petitioner is an MBA graduate and he is attending interviews and therefore, the presence of the petitioner before the trial Court may be



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dispensed with.

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8. According to the submission of the learned counsel appearing for the petitioner, the personal appearance of the petitioner before the trial Court is dispensed with except for receipt of copies, answering the charges, questioning under section 313 Cr.P.C./Section 351 of BNSS, on the date of pronouncing judgment and also on any other dates as may be required by the trial Court. It is made clear that the petitioner shall be duly represented by his counsel on all hearing dates. It is also made clear that for the purpose of identification, the petitioner shall appear before the Trial Court. The trial Court shall complete the trial as expeditiously as possible.

With the above directions, this Criminal Original Petition stands disposed of. No costs. Connected miscellaneous petition stands closed.

05.01.2026

ssa

Neutral Citation: Yes/No

To

1. The Inspector of Police,
Attaiyampatti Police Station,
Salem.
2. The Public Prosecutor,
High Court, Madras.

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A.D.JAGADISH CHANDIRA, J.

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