



WEB COPY

CRL OP No. 118 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-01-2026

CORAM

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

CRL OP No. 118 of 2026  
and Crl.M.P.No.118 of 2026

Salman Shakir

..Petitioner

Vs

The State Represented by  
The Inspector of Police,  
B-2, Esplanade Police Station,  
Near High Court Campus,  
Parrys, Chennai - 600 108.  
(Crime No. 7/2023)

..Respondent

PRAYER: Criminal Original Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the entire records pertaining to the impugned FIR in Crime No. 7 of 2023, dated 18.01.2023 on the file of first respondent police and quash the same as illegal against the petitioner concerned.

For Petitioner : Mr.M.Paramasivam

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

### **ORDER**

The present Criminal Original Petition has been filed to quash the impugned FIR in Crime No. 7 of 2023, dated 18.01.2023 on the file of first respondent police registered against the petitioner.



2. The case of the prosecution is that on receipt of discreet information, the respondent police intercepted the two wheeler bearing registration No. TN-06-P-3253, which was ridden by the petitioner and another accused and recovered 13 grams of Methamphetamine, near the Mannadi Metro Railway Station and registered an FIR in Crime No.7 of 2023 on 18.01.2023 for the offences under Sections 8(c), 22(B) and 25 of the Narcotic Drugs & Psychotropic Substances Act, 1985.

3. The learned counsel appearing for the petitioner submitted that the petitioner is not the owner of the vehicle bearing registration No. TN-06-P-3253. Further, the search and seizure was not conducted in the presence of any independent witness and thus, the respondent police have violated the mandatory requirement under Section 50 of the NDPS Act, 1985. Therefore, he prayed for quashing of the FIR registered against the petitioner.

4. *Per contra*, the learned Government Advocate (Criminal Side) appearing for the respondent, on instructions, submitted that 13 grams of Methamphetamine was recovered from the accused. Further, the non-compliance of the mandatory requirement under Section 50 of the NDPS Act, 1985 is a matter for trial. He also submitted that the investigation in this case has already been completed and the final report is made ready.



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

6. On perusal of the records and also on consideration of the submission made on either side, this Court finds no grounds to quash the proceedings in the impugned FIR in Crime No. 7 of 2023, dated 18.01.2023 on the file of the first respondent police registered against the petitioner as the violation of procedures prescribed under Section 50 of the NDPS Act, 1985 is a matter for trial and investigation in this case was also completed. Therefore, this Criminal Original Petition stands dismissed. However, this Court directs the respondent police to file the final report before the Court concerned within a period of one month from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is closed.

**08-01-2026**

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

SRM



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**A.D.JAGADISH CHANDIRA, J.**

SRM

To

1. The Inspector of Police,  
B-2, Esplanade Police Station,  
Near High Court Campus,  
Parrys, Chennai - 600 108.
2. The Public Prosecutor,  
High Court of Madras.

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