



CRL OP(MD). Nos.1371 and 1463 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 27/01/2026

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THE HONOURABLE MRS. JUSTICE L. VICTORIA GOWRI

CRL OP(MD). Nos.1371 and 1463 of 2026

CRL OP(MD). No.1371 of 2026

Asal Raja

... Petitioner

Vs

State of Tamilnadu Rep by
Inspector of Police,
Sivagangai Town Police Station,
Sivagangai Disirct.
Cr. No. 512 of 2025.

... Respondent

PRAYER :-

To set aside the docket order in unnumbered Crl.M.P. Sr. No. 2414 of 2025 on the file of the Learned Additional District Judge (NDPS Act), Pudukottai to number the Criminal Miscellaneous Petition in Crl.M.P. Sr. No. 2414 of 2025 filed U/s. 497, 503 of BNSS dated 03.12.2025 filed by the petitioner.

CRL OP(MD). No.1463 of 2026

Sheela

... Petitioner

Vs



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The State of Tamilnadu,
Rep by the Inspector of Police,
Arumbavoor Police Station,
Perambalur District.
Crime No.209/2025.

... Respondent

PRAYER :-

To set aside the docket order in unnumbered Crl MP Sr No.2415/2025 on the file of the learned Addl District Judge Special Court EC and NDPS Act, Pudukkottai to number the Criminal Miscellaneous Petition in Crl MP SR No.2415/2025 filed under sections 497 and 503 of BNSS dated 03.12.2025 filed by the petitioner.

For Petitioners : Mr. M. Ramu,
Advocate

For Respondents : Mr.M.Sakthi Kumar
Government Advocate (Crl.Side)

(in both cases)

COMMON ORDER

These Criminal Original Petitions are filed to set aside the docket order in unnumbered Crl.M.P. Sr. Nos. 2414 and 2415 of 2025 on the file of the Learned Additional District Judge (NDPS Act), Pudukkottai to number the Criminal Miscellaneous Petition in Crl.M.P. Sr. Nos. 2414 and 2415 of 2025 filed U/s. 497, 503 of BNSS dated 03.12.2025 filed by the petitioner.



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2. The case of the prosecution is that,

i) the petitioner in CrI.O.P(MD)No.1371 of 2026 is the father of the accused / A3 who had transported Ganja in a Maruti Suzuki Car and therefore a case in Crime No.512 of 2025 was registered before the Inspector of Police, Sivagangai Town Police Station, Sivagangai.

ii) The petitioner in CrI.O.P(MD)No.1463 of 2026 is the owner of the vehicle bearing registration No.TN 46 AE 5559 Mahendra XUV Car, in which 3 Kgs of Ganja was seized and therefore a FIR in Crime Nos. 209 of 2025 before the Arumbavoor Police Station, Perambalur District, came to be filed.

3. The learned counsel for the petitioners submitted that the petitioners are the owners of the respective vehicles and seeking return of the vehicles and the applications in CrI.M.P. Sr. Nos. 2414 and 2415 of 2025 have been filed before the learned Additional District Judge (NDPS Act), Pudukottai. Questioning the maintainability of the petitioners application for the return of properties, the impugned Doctor docket orders dated 24.12.2025, has been passed returning the applications, by



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the learned Additional District Judge, Special Court EC NDPS Act, Pudukkottai, pointing out that *Section 52(A) of NDPS Act is to be complied, why not claim the same before the Drugs Disposal Committee?, questioning the maintainability of the said applications, the petitions were returned*. Challenging the same, these Criminal Original Petitions have been filed.

4. Learned counsel for the petitioner submitted that as per the dictum of the Hon'ble Apex Court in the case of ***Denash Vs The State of Tamilnadu (SLP (Crl)No.8698 of 2025) dated 27.10.2025*** reported in ***2025 INSC 1258***, it is held that the trial Court has ample power to consider such applications.

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

6. In view of the submissions made by the learned counsel for the petitioners and the law laid down by the Hon'ble Apex Court cited above, this Court is inclined to quash the impugned docket orders. Accordingly,



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the impugned docket orders made in Crl.M.P. Sr. Nos. 2414 and 2415 of 2025 dated 24.12.2025, are quashed and the matters are remitted back to the learned Additional District Judge (NDPS Act), Pudukottai, for fresh consideration as per the judgment of the Hon'ble Supreme Court made in ***Dinash Vs The State of Tamilnadu (SLP (Crl)No.8698 of 2025) dated 27.10.2025*** reported in ***2025 INSC 1258***.

7. These Criminal Original Petitions are allowed.

27.01.2026

NCC : yes / no
Index : yes / no
Internet : yes /no

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To

1. The Inspector of Police, Sivagangai Town Police Station, Sivagangai Disirect. Cr. No. 512 of 2025.
2. The Inspector of Police, Arumbavoor Police Station, Perambalur District. Crime No.209/2025.
3. The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.

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L. VICTORIA GOWRI, J

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ORDER
IN
CRL OP(MD). Nos.1371 and 1463 of 2026

Date : 27/01/2026