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**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

DATED : 10.10.2023

CORAM

**THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN**

Crl.O.P.SR.No.44154 of 2023  
and Crl.M.P.No.15145 of 2023

S.Manoj Kumar

... Petitioner

Vs.

State of Tamil Nadu  
Represented by its Drugs Inspector,  
Park Town I Range,  
Office of the Assistant Director of Drug Control,  
Zone -I, Chennai – 600 006.  
Respondent

...

**Prayer:** Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleased to call for the records pertaining in C.C. No.03 of 2008 on the file of the learned XV Metropolitan Magistrate, George Town, Chennai and quash the same.

For Petitioner : Mr.R.Surendar Kumar

For Respondent : Mr.S.Udaya Kumar  
Government Advocate (Crl.Side)

**ORDER**

The Drug Inspector, Park Town I Range, on 25.10.2005 conducted search and seized AMOXYCILLIN capsules manufactured by United

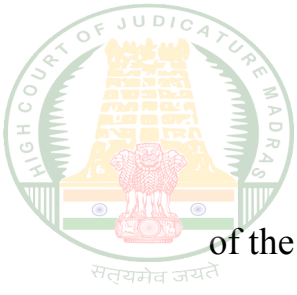


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Pharma Remedies from the traders M/s.Venus Agency, M/s.Ambica Pharmaceuticals and M/s.Vasant Pharma Traders and M/s.Mahaa Bio, Chennai..

2. A private complaint was taken on file by the XV Metropolitan Magistrate, George Town, Chennai – 1 and assigned C.C. No.03 of 2008. The manufacturer viz., M/s.United Pharma Remedies, Chennai through its managing partner M/s.Mahaa Bio, Chennai sought intervention of this Court under Section 482 of Cr.P.C. to quash the private complaint on the ground that the search was conducted and seizure was made only after the expiry of the drug life and therefore, any analysis report indicating substandard product has no significance. Further, the complaint has not drawn for samples which are mandatory under the Act.

3. This Court allowed the quash petition and as on date, there is no complaint against the manufacturer. This petitioner who is arrayed as A7 is not the manufacturer, he is a seller of drug. Under Section 19 (3) of the Drugs and Cosmetics Act, 1940, a person, not being the manufacturer of a drug or cosmetic or his agent for the distribution thereof, shall not be liable for a contravention of Section 18 if he proves that he acquired the drug or cosmetic from a duly licensed manufacturer, distributor or dealer thereof and he is acted diligently without knowledge of the contravention



of the provision.

**WEB COPY** 4. From the complaint, it is apparently seen that the petitioner is only a seller neither the manufacturer nor the agent of the manufacturer. When the case against the manufacture now been quashed, nothing survives in this petition. This quash petition is allowed at the SR stage itself. Consequently, connected Miscellaneous petition is closed.

**10.10.2023**

Index : Yes/No

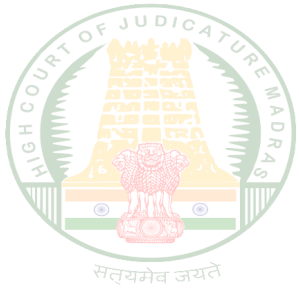
Neutral Citation : Yes/No

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To

- 1.The XV Metropolitan Magistrate,  
George Town, Chennai
2. The Drugs Inspector,  
Park Town I Range,  
Office of the Assistant Director of Drug Control,  
Zone -I, Chennai – 600 006.
- 3.The Public Prosecutor,  
High Court of Madras, Chennai.

**Dr.G.JAYACHANDRAN,J.**



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