



**Crl.O.P.(MD).No.14510 of 2020**

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 07.09.2023**

**CORAM:**

**THE HONOURABLE MR. JUSTICE P.DHANABAL**

**Crl.O.P.(MD).No.14510 of 2020**

**and**

**Crl.M.P(MD) No.6816 of 2020**

1. K. Ilangavi

2. P.Yogaraj

... Petitioners

**Vs.**

1. The Sub Inspector of Police  
Usilampatti Town Police Station  
Madurai District

2. Sekar  
The Sub Inspector of Police  
Usilampatti Town Police Station  
Madurai District

..Respondents

**PRAYER:** This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to call for the records relating to the Crime No.2145 of 2020 on the file of the first respondent and quash the same as against the petitioners.

For Petitioners : Mr.S.Vinodh

For R-1 : Mr.R.M.Anbunithi  
Additional Public Prosecutor

For R-2 : No appearance



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## **ORDER**

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This Criminal Original Petition has been filed to quash the First Information Report in Crime No.2145 of 2020 on the file of the first respondent police.

2. According to the petitioners the petitioners are working as Supervisor and Salesman in tasmac shop but A1 had illegal possession of 528 liquor bottles, thereby the first respondent registered a case in Crime No.2145 of 2020 for the offences under Sections 4(1)(aaa) of TNP Act. These petitioners are no way connected with the case and no offence would attract as against these petitioners. Therefore the First Information Report which is registered as against the petitioners is abuse of process of law and hence the First Information Report is liable to be quashed.

3. The first respondent filed counter stating that on 29.10.2020 at about 09.00 hrs based on source information the second respondent and his subordinates proceeded to Samathuvapuram on Peraiyur road and on seeing the police party A1 tried to flee away. However he was immediately nabbed and his confession statement was recorded and even as per the confession statement the petitioners are working in the tasmac shop No.5287 in Karyampatti Colony. The above liquor bottles were sold to A1 by the petitioners herein on condition that he should sell



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the said liquor bottles at exorbitant price and give Rs.10/- per bottle from the amount of sale proceeds. Totally 798 bottles seized from A1 and these petitioners are also involved in the occurrence and thereby they have been included in this case.

4. The learned counsel appearing for the petitioners would contend that these petitioners are Salesman and Supervisor of tasmac shop and they have no nexus with A1 and the occurrence. A1 had possession of 798 bottles and no any reference in the First Information Report about these petitioners. Based on the confession only these petitioners have been included in this case. Even as per the First Information Report no offence is made out as against these petitioners since they are only Supervisor and Salesman of tasmac shop. Already this Court in similar case has quashed the charge sheet in Crl.O.P(MD) No.16739 of 2019 dated 21.07.2023, therefore the pending First Information Report is liable to be quashed.

5. The learned Additional Public Prosecutor would contend that these petitioner had only sold the liquor bottles to A1 on condition that he should sell the said liquor bottles at exorbitant price and give Rs.10/- per bottle from the amount of sale proceeds and therefore these petitioners are the root cause for the above said crime and hence they have to face the trial and the petition is liable to be dismissed.



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record.

6. Heard both sides and perused the materials available on

7. It is an admitted fact that these petitioners are working in the tasmac shop as Supervisor and Salesman respectively and it is also an admitted fact that A1 only had possession of liquor bottles. The First Information Report is also registered as against A1 and based on the confession only these petitioners were included. However the names of the petitioners are also included in the First Information Report. Further in order to attract the provisions under Section 4(1)(aaa) of TNP Act the petitioners have to possess contraband but admittedly these petitioners have no any possession of the above said liquor bottles. Obviously there is no material as against these petitioners to attract the provisions under Sections 4(1)(aaa) of TNP Act, but according to prosecution these petitioners sold the bottles to A1. Even the above said act would not attract the provision under Section 4(1)(aaa) of TNP Act and there is no any material to substantiate the contention of the first respondent. Further the petitioners are working in the tasmac shop as Supervisor and Salesman respectively and without any materials the petitioners need not face the ordeal of trial and it is a clear abuse of process of law. In view of the above the First Information Report as against the petitioners is liable to be quashed.



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8. Accordingly this Criminal Original Petition is allowed and the First Information Report in Crime No.2145 of 2020 on the file of the first respondent police is hereby quashed as against the petitioners alone. Consequently connected miscellaneous petition is also closed.

**07.09.2023**

Index : Yes / No  
Internet : Yes / No  
aav

To

1. The Sub Inspector of Police  
Usilampatti Town Police Station  
Madurai District
2. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



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**P.DHANABAL, J.**

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