



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-07-2026

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THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

CRL OP No. 18127 of 2026
and CRL MP Nos.12106 and 12107 of 2026

Duraisamy
S/o. Subramaniam

..Petitioner(s)

Vs.

1. The state represented by the Sub Inspector of
Police
Uthukuli Police Station,
Tiruppur District.
Crime No.0121 of 2026

2. Sri Gugan
S/o. Alagesan,
Flying Squad Incharge Officer,
No.103, Perundurai Assembly,
Constituency,
Perundurai,
Perundurai Taluk,
Erode District-638051.

..Respondent(s)

PRAYER: Criminal Original Petition filed under Section 528 of BNSS, 2023,
praying to call for the records pertaining to the Impugned Final Report in STC
No.212 of 2026 on the file of the learned District Munsif Cum Judicial
Magistrate, Uthukuli and quash the same as illegal.

For Petitioner(s): Mr.N.S.Suganthan

For Respondent(s): Mr.M.Mohamed Riyaz
Govt. Advocate (Crl. Side) - R1



ORDER

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The prayer in the above Criminal Original Petition is to quash the final report and proceedings in S.T.C No.212 of 2026.

2. Upon considering the First Information Report, the materials collected during investigation and the final report, the gist of allegations against the petitioner is that upon search being conducted by the Law and Order Police, upon the car in which the petitioner was travelling being inspected, Foster Brand Beer Bottle and 1848 Brand (180 ML each) bottles, in all totalling to 10 bottles were found in the car and it was recovered, and as such, a case was registered in Crime No.121 of 2026, under Section 4(1)(C) of the Tamil Nadu Prohibition Act. The same was investigated by the Sub Inspector of Police, Law and Order Wing of the Uthukuli Police Station and a final report is now filed and the same is taken on file for the said offence.

3. The primary argument of the learned counsel for the petitioner is that the Law and Order Wing of the Uthukuli Police Station has no jurisdiction to investigate the matter and file final report. In this regard, the judgment of this Court rendered in '*L.Kannan V. The Sub Inspector of Police*' (Crl.O.P(MD) No.12316 of 2020 dated 10.08.2023) and the subsequent judgments are relied upon.



4.I have also heard the learned Government Advocate (Criminal Side).

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5.A Perusal of the judgment, this Court has taken a view by considering paragraph No.2.7 of the Manual of the Additional Director General of Police Enforcement, whereunder, it is only the Inspector of Police, who are functioning under the prohibition and enforcement wing, who are declared as the police stations for enforcing the provisions of the Tamil Nadu Prohibition Act, 1937, and since the entire investigation is done and final report is filed by the persons who are not a police station as per the said notification, the proceedings were quashed.

6.The present case is also identically placed, and in view thereof, this Crl.O.P.No.18127 of 2026 stands allowed. The final report in S.T.C No.212 of 2026, on the file of the learned District Munsif cum Judicial Magistrate, Uthukuli, stands quashed. Consequently, the connected miscellaneous petitions are closed.

10-07-2026

Neutral Citation: Yes/No

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D.BHARATHA CHAKRAVARTHY, J.

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To

1. The District Munsif cum Judicial Magistrate
Uthukuli
2. The Sub Inspector of Police
Uthukuli Police Station,
Tiruppur District.
3. The Public Prosecutor
High Court of Madras
Chennai 600 104

CRL OP No. 18127 of 2026
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