



**Crl.O.P.(MD).No.6904 of 2026**

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

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**DATED : 28.07.2026**

**CORAM:**

**THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

**Crl.O.P(MD)No.6904 of 2026**

**and**

**Crl.M.P(MD) No.7467 of 2026**

Dhanasekaran

...Petitioner/Accused No.2

Vs

1. The State of Tamil Nadu,  
Represented by  
The Inspector of Police,  
Madagupattai Police Station,  
Sivagangai District.  
(Crime No.96 of 2025)

... 1<sup>st</sup> Respondent/Complainant

2. G.Prabakaran  
S/o.Not Known  
Sub Inspector of Police,  
Madagupatti Police Station,  
Sivagangai District.

... 2<sup>nd</sup> Respondent/  
Defacto Complainant

**PRAYER :** Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records relating to the FIR in Crime No.96 of 2025 on the file of the first respondent police and quash the same.

For Petitioner : Mr.K.Dinesh



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For R1

: Mr.G.Ganesh Kumar  
Government Advocate (Crl.Side)

**ORDER**

The present petition has been filed by the second accused in Crime No. 96 of 2025, on the file of the first respondent police seeking to quash the FIR wherein the petitioner is alleged to have committed offences under Sections 4(1) (a), 4(1)(l) and 4(1-A) of Tamil Nadu Prohibition Act.

2. A perusal of the FIR reveals that the petitioner along with one another person was found in possession of six 180 ML bottles of liquor and when it was opened a bad smell emanated and therefore, the police suspected that it contains illicit liquor and it is adulterated.

3. The samples were taken and they were sent to Regional Forensic Science Laboratory, Ramanathapuram. A nil report has been prepared on 28.04.2026 to the effect that it does not contain any adulteration and it is not an illicit liquor.



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4. Based upon the above said lab report, the charges as against the petitioner have been altered to Section 4(1) (a) and 4(1) (i) of Tamil Nadu Prohibition of Transport Act.

5. According to the learned counsel appearing for the petitioner, the total quantity of liquor, which was found in petitioner's possession was around 1600 ml and it has not exceeded the limit prescribed for personal consumption. When the liquor has been found not to be an illicit arrack, the petitioner is entitled to seek quashing of the FIR.

6. Per contra, the learned Government Advocate (CrI.Side) appearing for the first respondent submitted that already charge sheet has been laid before the learned Judicial Magistrate No.II, Sivagangai on 30.06.2026 and the petitioner has been found in possession of liquor bottles un-authorizedly with an intention to sell for higher price.

7. Heard the learned counsel appearing for the petitioner and perused the materials available on record.



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8. As per the altered charges as against the petitioner, the petitioner has been found to be in possession of eight 180 ml liquor bottles which has not exceeded 1500 ml. As per the circular issued by the Department, a person is entitled to have possession of 4.5 liters for his personal consumption. In the present case, the lab report has pointed out that it is not illicit arrack. The petitioner's possession has not exceeded the personal consumption limit and in such circumstances, the continuation of criminal proceedings as against the petitioner would only be an abuse of process of law. Therefore, FIR in Crime No.96 of 2025 on the file of the first respondent is hereby quashed.

9. Accordingly, this Criminal Original Petition is allowed. Consequently connected Miscellaneous Petition is closed.

**28.07.2026**

NCC : Yes/No  
Index : Yes / No  
Internet : Yes / No  
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To

1. The Judicial Magistrate No.II,  
Sivagangai.
2. The Inspector of Police,  
Madagupattai Police Station,  
Sivagangai District.
3. The Additional Public Prosecutor  
Madurai Bench of Madras High Court  
Madurai.



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**R.VIJAYAKUMAR,J.**

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