



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.10.2018

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.(MD).No.17866 of 2018

and

Crl.M.P.(MD).Nos.7908 and 7909 of 2018

D.Velayutham

... Petitioner

Vs.

State represented by
the Inspector of Police,
Thanjavur Prohibition Enforcement Wing
Police Station,
Thanjavur.
(Crime No.53 of 2017)

... Respondent

Prayer: The Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code seeking to quash the proceedings in S.T.C.No.464 of 2017, dated 21.04.2017 on the file of the Judicial Magistrate Court No.II, Thanjavur.

For Petitioner	: Mr.M.S.Suresh Kumar
For Respondent	: Mr.K.Suyambulinga Bharathi Government Advocate (Crl.side)

O R D E R

This Criminal Original Petition has been filed seeking to quash the proceedings in S.T.C.No.464 of 2017 on the file of the Judicial Magistrate Court No.II, Thanjavur.

2. The learned counsel appearing for the petitioner would submit that a false complaint has been foisted against the petitioner and the petitioner is an ex-serviceman and he was in possession of certain liquor bottles. The petitioner had licence for holding the liquor bottles and the respondent police without appreciating the same have proceeded to register a case against the petitioner for an offence under Section 4(1)(aa) of the Tamil Nadu Prohibition Act. It is the further case of the petitioner that the statement has been taken from the official witnesses, in spite of the availability of an independent witness, the respondent police failed to take any statement from any independent witnesses.



3. The grounds raised by the petitioner cannot be gone into at the stage of considering this petition to quash the proceedings. The ground raised by the petitioner is factual in nature and the same can be appreciated only in the course of trial. The petitioner is entitled to raise all the grounds before the Court below and the Court below shall consider the same on its own merits and in accordance with law.

4. This Court does not find any merits in the petition and the Criminal Original Petition stands dismissed. However, in the facts and circumstances of the case, there shall be a direction to the Court below to complete the proceedings in S.T.C.No.464 of 2017 within a period of three months from the date of receipt of a copy of this order. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

Sub Assistant Registrar(CS-I)

To

1. The Judicial Magistrate No.II, Thanjavur.
2. The Inspector of Police,
Thanjavur Prohibition Enforcement Wing
Police Station,
Thanjavur.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC To MR.M.S.SURESH KUMAR, Advocate SR. NO. 89400

Cr1.O.P. (MD) .No.17866 of 2018
08.10.2018

AKV

TR/PM/SAR-I (31.10.2018) 2P 5C