



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 27.02.2019

CORAM:

THE HONOURABLE MR. JUSTICE N. SESHASAYEE

Crl.O.P. (MD) No. 2518 of 2019

and

Crl.M.P. (MD) No. 1371 of 2019

1. Santhanam
2. Velraj
3. Eswaran

... Petitioners

Vs

State represented by
The Sub Inspector of Police,
Vembakottai Police Station,
Virudhunagar District.

... Respondent

PRAYER: This Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for all records relating to the impugned F.I.R registered in Crime No. 260/2017, dated 06.08.2017 on the file of the respondent and quash the same.

For Petitioners : Mr.K.Gokul
For Respondent : Mr.A.P.G.Ohm Chairma Prabhu
Government Advocate (Crl.Side)

ORDER

The present petition is filed to quash the FIR in Crime No. 260 of 2017 registered for the offence under Sections 4(1) (aaa), 4 (1) (i) and 24 of Tamil Nadu Prohibition Act.

2. A reading of the FIR discloses that on 06.08.2017, the defacto complainant, the Sub-Inspector of Police, attached to the respondent Police Station has received a tip-off that in the early morning that liquor is being sold in Thayilpatti welcome bar. When the police party went to the spot, the second accused Velraj attempted to run away from the scene. When he was caught, he disclosed that the bar belongs to the first accused and he and the third accused were selling liquor bottle from the shop of the first accused.

3. The learned counsel for the petitioner would submit that the first accused Santhanam is in no way connected with the shop and the complainant himself is the Investigating Agency in this case.

4. Per contra, the learned Government Advocate (Crl.Side) would argue that the respondent has merely preferred the complaint and that he is not the Investigating Officer. The petitioner presumes that the respondent is the Investigating Officer. He further added



that the Investigation is underway.

5. Of the two points raised by the learned counsel for the petitioner, one of the points is answered by the learned Government Advocate (Crl.Side) himself. Turning to the other, there is a matter for investigation and this Court considers that it is premature to enter into definite conclusion, since the FIR on its face discloses commission of offence and also names the petitioner.

6. Considering the above, this Court finds no merit in the present petition. Accordingly, this criminal original petition is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

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

+1cc to Mr.K.Gokul, Advocate, SR.No.50577

Crl.O.P.(MD)No.2518 of 2019

SP/02.04.2019/ 2P/4C

27.02.2019

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