



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.11.2019

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Cr1 OP(MD)No.19571 of 2016

and

Cr1 MP(MD)No.9846 of 2016

1.Jeyakodi

2.Jothimani

... Petitioners / Accused Nos.1 & 2

Vs.

1.The State, rep.by its Inspector of Police,
Thirunagar Police Station,
Madurai City.

...1st Respondent / Complainant

(Cr.No.423 of 2016)

2.V.Anandhan

Inspector of Police,
Thirunagar Police Station,
Madurai City.

... 2nd Respondent / Defacto
complainant

Prayer : Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records relating to the impugned FIR in Crime No.423 of 2016 on the file of the Thirunagar Police Station, Madurai District and quash the same.

For Petitioners

: Mr.S.Veeranasamy

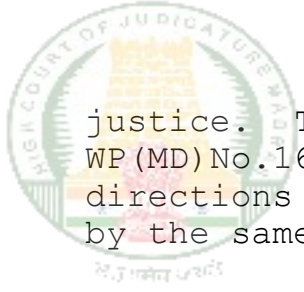
For Respondents

: Mr.A.Robinson,
Government Advocate
(crl.side) for R1

ORDER

The petitioners are shown as Accused in Crime 423 of 2016 on the file of the Inspector of Police, Thirunagar Police Station for the offence under Section 24 of the Tamil Nadu Prohibition Act. The prosecution case is that the petitioners are running a registered club and that they had allowed persons who were not registered with the said club to consume liquor in the premises and that liquor was sold without proper bill. To quash the impugned FIR, this original petition has been filed.

2.The learned counsel appearing for the petitioners raised three grounds. The first ground is that Section 5 of the Tamil Nadu Gaming Act, 1930 was not followed. His second contention is that the Inspector Police himself is the defacto complainant in this case and that this is gross violation of the principles of natural



justice. The third ground is that the petitioners had earlier filed WP(MD)No.16582 of 2013 before this Court and obtained certain directions against the respondent police. According to him, angered by the same, the impugned FIR has been registered.

3.I find no substance in any of the contention of the petitioner's counsel. The impugned FIR has been registered under Section 24 of the Tamil Nadu Prohibition Act. For registering a case under the provisions of the Tamil Nadu Prohibition Act, there is no need to follow the provisions set out in Tamil Nadu Gaming Act, 1930.

4.As rightly pointed out by the learned Government counsel, the petitioners have filed this quash petition at the FIR stage itself. Therefore, the question of respondent being the investigation officer does not deserve to be considered. If the complainant had himself had investigated the case and filed final report, then probably there would be some substance in the contention of the petitioner's counsel. But, the petitioner has come to this Court at the threshold stage itself. Therefore, there is no merit in the contention. In this case, the police have arrested two persons namely, Ramesh Kumar and Mangalanathan. Both these persons are not the members of the club in question. Therefore, the question of FIR being a counter blast to the filing of the writ proceedings does not arise.

5.Therefore, leaving open all the defences and contentions, the criminal original petition stands dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Skm

To

1.The Inspector of Police,
Thirunagar Police Station, Madurai City.

2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai

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and

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