



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.01.2020

CORAM:

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P. (MD)No. 794 of 2020

and

Crl.M.P. (MD) No. 334 of 2020

WEB COPY

1. Cherkkai
2. M.Vairamani

... Petitioners

Vs

1. The Inspector of Police
Kulasekaram Police Station
Kanyakumari District

2. K.Swamidas
Special Sub Inspector of Police
Kulasekaram Police Station
Kanyakumari District

... Respondents

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records pertaining to the case in Crime No. 240 of 2019 on the file of the first respondent police and quash the same.

For Petitioners	:	Mr.Veera Kathiravan, Senior Counsel for Mr. C.Jeganathan
For Respondent No.1	:	Mrs.S.Bharathi Government Advocate (Crl. Side)

ORDER

This petition has been filed to quash the FIR in Crime No. 240 of 2019 on the file of the first respondent police as against the petitioners.

2. The learned Senior Counsel appearing for the petitioners would submit that the petitioners did not commit any offences as alleged in the impugned FIR. Without any base, the first respondent police registered a case as against the petitioners in Crime No. 240 of 2019 for the offences under Sections 4(1)(aaa), 4(1)(i) and 24 of Tamil Nadu Prohibition Act, 1937. He would further submit that the petitioners are respectively employee and Secretary of Nanjil Manamahil Mandram/Recreation Club. The club has been granted with FL-2 licence for possessing and selling of Indian Made foreign liquor. Originally they have been granted licence to possess and sell 2500 units of liquor and subsequently it had been increased to 7000 units of liquor. The petitioners have been running the club in strict compliance of the rules and regulations, whereas the respondent police in a high handed manner entered into the club and recovered some bottles and foisted the case. The



respondent police has registered a false case as if the petitioners were selling liquor bottle beyond the prescribed time. He would also submit that the conduct of the petitioner is illegal and hence he prayed to quash the same.

3. The learned Government Advocate (criminal side) would submit that the petitioners are having valid FL- 2 license to possess and sell IMFL. The allegation against the petitioners is that inviolation of the rules they have sold the liquor bottles beyond the prescribed time up to 1.00 AM. She would submit that investigation is still pending and this petition is in premature stage and the investigating officer will look into all the aspects and file the final report. Hence, she prayed for dismissal of this petition.

4. Perused the materials available on record.

5. It is seen from the First Information Report that there are specific allegation as against the petitioners, which has to be investigated. Further the FIR is not an encyclopedia and it need not contain all facts. Further, it cannot be quashed in the threshold. This Court finds that the FIR discloses prima facie commission of cognizable offence and as such this Court cannot interfere with the investigation. The investigating machinery has to investigate, grab and unearth the crime in accordance with the procedures prescribed in the Code.

6. In view of the above, this Court is not inclined to quash the FIR in Crime No. 240 of 2019. Accordingly, this criminal original petition is dismissed. Consequently, connected miscellaneous petition is also dismissed. Further the respondent police is directed to complete the investigation and file final report before the concerned Court within a period of three months from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

1. The Inspector of Police
Kulasekaram Police Station
Kanyakumari District

<https://hcservices.ecourts.gov.in/hcservices/>



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

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+1 CC to Mr.C.JEGANATHAN, Advocate (SR-2495[F] dated 22/01/2020)

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VB(06.02.2020) 3P 4C