



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.05.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

CrI.O.P (MD)No.5396 of 2020

and

CrI.M.P. (MD)No.3039 of 2020

1.Balasubramaniam

2.Senkottuvel

... Petitioners/Accused 1 & 2

Vs

1.State:

rep. by the Inspector of Police,
Prohibition Enforcement Wing,
Karur.

(Crime No.402/2020)

...1st Respondent/Complainant

2.Pannerselvam

...2nd Respondent//Defacto Complainant

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to call for the records relating to the FIR in Crime No.402 of 2020, dated 29.03.2020 on the file of the first respondent, the Inspector of Police, Prohibition Enforcement Wing, Karur and quash the same.

For Petitioners

: Mr.AN.Ramanathan

For R1

: Mr.A.Robinson

Government Advocate (CrI.side)

ORDER

The petitioners have been shown as accused in Crime No.402 of 2020 registered on the file of the first respondent for the offences under Sections 4(1)(aaa) and 24 of Tamilnadu Prohibition Act.

2.The petitioner's counsel contended that the offences set out in the FIR are not at all attracted.

3.The learned Government Advocate (CrI.side) *prima facie* agrees with the said contention. He submits that an alteration report is to be filed shortly.

4.I am of the view that FIR is not liable to be quashed in view of the submission so made. If the petitioners are still aggrieved by the alteration report, it is always open to them to challenge the same even at the FIR stage. As on date, I am not inclined to exercise my discretion in favour of the petitioners.



Leaving open the petitioner's rights, this Criminal Original
Petition is disposed of .

Sd/-

Assistant Registrar (ADII)

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// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

- 1.The Inspector of Police,
Prohibition Enforcement Wing,
Karur.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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KB(27/05/2020) 2P 3C