



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.12.2020

CORAM:

THE HONOURABLE MRS. JUSTICE J.NISHA BANU

Crl.O.P(MD)No.15061 of 2020 and

Crl.M.P. (MD) No.7218 of 2020

WEB COPY

1.Muthukrishnan
2.Sethu

Petitioners/Accused 1&2

Vs

1.The Inspector of Police,
Allinagaram Police Station,
Theni District.

Respondent / Defacto
Complainant

2.The Inspector of Police,
Prohibition and Enforcement Wing,
Theni District.

Respondent /Respondent

PRAYER: Petition filed under Section 482 of Code of Criminal Procedure, to call for the records pertaining to Crime No.2227 of 2020, on the file of the 1st respondent herein and to quash the same in so far as the petitioner is concerned.

For Petitioners : Mr.S.Jayavel

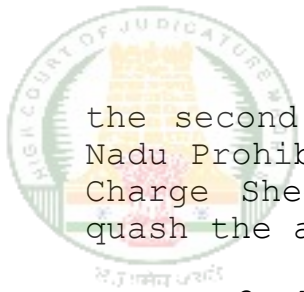
For Respondents : Mr.V.Neelakandan

Additional Public Prosecutor (Crl.side)

O R D E R

This Criminal Original Petition has been filed to quash the Crime No.2227 of 2020, on the file of the 1st respondent.

2. The learned counsel for the petitioners would submit that the petitioners are friends. According to the petitioners, there was a function called 'Seemantham' on 15.08.2020 for the first petitioner's wife and in order to celebrate the birth of a child, the petitioners bought 50 bottles of honey brandy of 180 ml from TASMAL and when transported the same to the first petitioner's house through an Auto bearing No. TN 60 P 2070, they were intercepted and interrogated by the 1st respondent and also First Information Report has also been filed. The grievance of the petitioners is that despite their several pleas that they have bought the brandy for their personal consumption, the FIR came to be registered. The learned counsel for the petitioners would submit that the second petitioner is the owner of Auto No.TN 60 P 2070 and the same has been parked inside the Judicial Magistrate Court, Theni and getting rusted. According to the petitioner, the Tamil Nadu Liquor (possession for personal consumption) Rules 1996 as amended on 09.06.2017 makes it legal to possess IMFS liquors upto 4.50 liters per person. The petitioners had in possession of 50 bottles of 180 ml. The further grievance of the petitioner is that on 26.11.2020,



the second petitioner received a notice under Section 14A of Tamil Nadu Prohibition Act 1937, for a proposed sale even before filing of Charge Sheet and disposal of the case. Hence, he would pray to quash the above FIR.

3. Though the petitioner has come before this Court with a larger prayer, he would submit that it would suffice, if the respondent police is directed to file charge sheet by considering G.O.Ms.No.75, P&E, dated 16.04.1996, within a stipulated time.

4. Heard the learned counsel for the petitioner and perused the materials available on record.

5. Though the petitioner has come with a larger prayer, considering the facts and circumstances of the case and also the submission made by the learned counsel for the petitioners, ends of justice would be met, if a direction is given to the respondent police to file a charge sheet by taking into consideration G.O.Ms.No.75, P&E, dated 16.04.1996, if it is applicable to the petitioners. Accordingly, the respondent police is directed to file a Charge Sheet, by considering G.O.Ms.No.75, P&E, dated 16.04.1996, within a period of two weeks from the date of receipt of a copy of this order.

6. With the above direction, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To: -

1. The Inspector of Police,
Allinagaram Police Station,
Theni District.
2. The Inspector of Police,
Prohibition and Enforcement Wing,
Theni District.

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



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

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CrI.M.P.(MD) No.7218 of 2020
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