



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.01.2020

CORAM:

WEB COPY

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

**Crl.O.P.(MD)No.10718 of 2016**

**and**

**Crl.M.P.(MD)No. 5278 of 2016**

R.Suresh

... Petitioner / 2<sup>nd</sup> Accused

-VS-

State Represented by  
The Inspector of Police,  
Austinpatti,  
Madurai.  
(Crime No.248 of 2016)

... Respondent / Complainant

**PRAYER:** Petition filed under Section 482 of the Criminal Procedure Code to call for the records in Crime No.248 of 2016 on the file of the respondent and quash the same as against the petitioner.

For Petitioner: No appearance

For Respondent: Mr.A.Robinson,  
Government Advocate(Crl.side)

### **O R D E R**

When the matter was taken up for hearing, none appeared for the petitioner.

2. The petitioner challenges the registration of Crime No.248 of 2016 on the file of the Austinpatti Police Station against him for the offences under Sections 188 of IPC and Section 4(1)(a), 24 read with 7(a) of Tamil Nadu Prohibition Act.

3. I went through the memorandum of grounds. The case of the prosecution is that one Sathishkumar, Son of Pounraj was found in illegal possession of liquor bottles and that based on his confession, the involvement of the petitioner herein came to light and that is how the petitioner was also arrayed as A2. The ground raised is that the petitioner could not have implicated solely on the basis of the confession of the first accused.



4. If the confession of the co-accused is the sole material, certainly, the proceedings against the petitioner deserves to be quashed. But then, the petitioner has come at the First Information Report stage itself. If this position remains even at the time of filing the final report, then the petitioner will certainly have a case for quashing. The petitioner has moved this Court prematurely.

5. Leaving open the petitioners contentions and defence, this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To

1. The Inspector of Police,  
Austinpatti,  
Madurai.

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

**Cr1.O.P. (MD) No.10718 of 2016**  
**and**  
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