

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.03.2021

Coram

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.4365 of 2021

and Crl.M.P.Nos.2807 & 2809 of 2021

1. Raja
2. Srinivasan

...Petitioners

Versus

The Inspector of Police,
Prohibition Enforcement Wing,
Poonamallee, Chennai.
Crime No.335 of 2019

...Respondent

This Criminal Original Petition is filed under Section 482 of Criminal Procedure Code praying to call for the records in CC.No.158 of 2020 on the file of the learned Judicial Magistrate-II, Poonamallee and quash the same.

For Petitioner : Mr.M.S.Govindarajan

For Respondent : Mr.C.Raghavan
Government Advocate
(Crl. Side)

O R D E R

On consent given by either side, the main petition itself has been taken up for final hearing.

2. This petition has been filed seeking to quash the proceedings CC.No.158 of 2020 on the file of the learned Judicial Magistrate-II, Poonamallee.

3. The case of the prosecution is that based on a secret information received by the respondent police, the police party went to the scene of occurrence and found three persons consuming alcohol in the bar. On verification, it was found that one of the accused person was aged about 19 years and he was also allowed to consume liquor in the bar. The first petitioner is the Manager and the second petitioner is the owner of the bar. On completion of investigation, a final report has been filed against the petitioners for offences under Section 4(1)(i) and 24 of Tamil Nadu Prohibition Act.

4. Heard Mr.M.S.Govindarajan, learned counsel for the petitioners and Mr.C.Raghavan, learned Government Advocate (crl. Side) appearing on behalf of the respondent.

5. This Court has carefully considered the submissions made on either side and perused the materials available on record.

6. The statement of LW1 to LW3 shows that the petitioners had absolutely no clue to find out that one of the person who was consuming alcohol was aged about 19 years. That apart, what was seized was only three empty beer bottles. The persons, who are said to have consumed alcohol have also not been tested to find out if they have consumed the beer. Except for some general statements made by the witnesses, there are absolutely no grounds to make out an offence under Sections 4(1)(i) and 24 of Tamil Nadu Prohibition Act against the petitioners. The continuation of the proceedings against the petitioners will amount to abuse of process of Court. Hence, this Court is inclined to interfere with the proceedings.

7. In the result, the proceedings in C.C.No.158 of 2020 on the file of the learned Judicial Magistrate-II, Poonamallee, is hereby quashed and the Criminal Original Petition is allowed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector of Police,
Prohibition Enforcement Wing,
Poonamallee, Chennai.
2. The Judicial Magistrate-II,
Poonamallee
3. The Public Prosecutor,
High Court of Madras.

+2cc to Mr.S.Govindarajan, Advocate, S.R.No.14709.

Cr1.O.P.No.4365 of 2021
and Cr1.M.P.Nos.2807 & 2809 of 2021

PMK (CO)
CSR 25.03.2021