



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **28.06.2021**

CORAM

THE HONOURABLE MR.JUSTICE **G.ILANGOVAN**

Crl.O.P(MD)No.6252 of 2021

C.Murugesan

S/o.P.Chidhamparam

... Petitioner/A-1

Vs.

1.The Inspector of Police,

Prohibition Enforcement Wing Pattukottai Police Station,
Thanjavur District.

(Crime No.199 of 2017)

...Respondent/Complainant

2.The District Manager,

Tamil Nadu State Marketing Corporation Limited,
Thanjavur District.

...2nd Respondent/Defacto
Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records in F.I.R.No.199 of 2017 on the file of the first respondent and quash the same.

For Petitioner : Mr.S.Kumar

For Respondents : Mr.R.M.Anbunithi

Additional Public Prosecutor for R1
Mr.H.Arumugam for R2

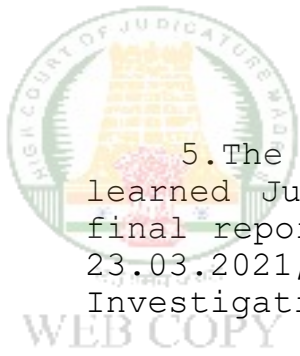
ORDER

This Criminal Original Petition has been filed to call for the records in F.I.R.No.199 of 2017 on the file of the first respondent and quash the same.

2.On 04.04.2017 at about 12.15 P.M a special squad under the head of Deputy Collector conducted the surprise inspection at Tasmac shop No.7863, Pattukottai Taluk. During the course of inspection it was found that the petitioner and the other accused mixed the water with liquor. Based on the complaint given by the Specials squad and the Deputy Collector the Crime No.199 of 2017 has been registered for the offence under Sections 4(1)(a) and 24A of Tamil Nadu Prohibition Act.

3.The grievances of the petitioner is that punishment of 4(1)a of the Tamil Nadu Prohibition Act is three months and fine for a sum of Rs.1,000/- and Section 468 of Cr.P.C bars the taking cognizance after lapse of period of Limitation. Section 24(a) is punishable with 3 years imprisonment with fine amount of Rs.3,000/-.

4.The learned Additional Public prosecutor submitted that there was no proper instruction from the respondent herein.



5.The copy application filed by the petitioner before the learned Judicial Magistrate, Pattukottai, seeking for copy of the final report in Crime No. 199 of 2017 and the same was returned on 23.03.2021, stating that no final report was filed by the Investigation Officer.

6.It is seen that no report was presented by the respondent police before the concerned Court. In such circumstances, the learned counsel for the petitioner has relied upon the judgments, which is passed by this Court in Crl.O.P(MD).No.13226 of 2020 and Crl.M.P.(MD).No.6064 of 2020 dated 27.11.2020, where in the FIR was quashed on the point of limitation. It is further seen that no petition is filed seeking extension of time.

7.In view of the above judgment, the petitioner is entitled to succeed. Accordingly, the impugned FIR in Crime No. 199 of 2017 is quashed and the Criminal Original Petition is stands allowed.

Sd/-

Assistant Registrar (CSIII)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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,
Prohibition Enforcement Wing Pattukottai Police Station,
Thanjavur District.
- 2.The District Manager,
Tamil Nadu State Marketing Corporation Limited,
Thanjavur District.

+1 CC to M/s.H.ARUMUGAM, Advocate (SR-20543[F] dated 29/06/2021)

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KB(06.07.2021) 2P 4C