



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.11.2021

CORAM :

WEB COPY

THE HONOURABLE **Mr. JUSTICE G.ILANGO VAN**

Crl.O.P.(MD)No.3011 of 2019

1.Arumugam
2.K.Muthukumar

... Petitioners/Accused Nos.2 & 3

Vs.

1.The Inspector of Police,
PEW- Kumbakonam Police Station,
Thanjavur District.

... 1st Respondent/Complainant

2.R.Sathiyan

... 2nd Respondent/
Defacto Complainant

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to the impugned First Information Report in Crime No.948 of 2018 on the file of the first respondent police pending disposal of the quash petition.

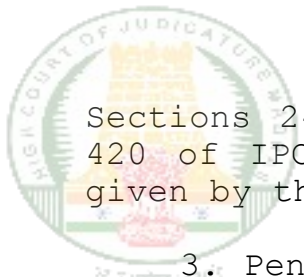
For Petitioners : Mr.S.Arunachalam
For R1 : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

For R2 : Mr.H.Arumugam

ORDER

This petition has been filed for the quashment of First Information Report in Crime No.948 of 2018 on the file of the first respondent herein.

2. The case of the prosecution in brief is that the second respondent is the defacto complainant who lodged a complaint alleging that a sudden inspection was made by the team of officers belongs to TASMACH on 14.11.2018 at about 4.30 p.m., in TASMACH shop No.7805 situated at Kuklkur Village, Thiruvidadaimaruthur Taluk, Thanjavur District. At that time, one Janakiraman was also found inside the shop. They also found some liquor bottles in an opened and damaged condition. Therefore, all the above said liquor bottles have been recovered from the place and handed over to the first respondent along with the said Janakiraman. The first respondent registered a case in Crime No.948 of 2018 for the offences under



Sections 24A, 24D of Tamil Nadu Prohibition Act and Sections 272, 420 of IPC against four persons. On the basis of the complaint given by the second respondent, investigation has been taken.

3. Pending investigation, this petition came to be filed by the accused Nos.2 and 3, mainly on the ground that during the course of investigation, the second respondent has given a statement to the effect that, due to misconception of facts, he has given the complaint and the liquor bottles seized from the accused have been sent for chemical analysis and it is found that no offence has been made out.

4. Since the defacto complainant has given a statement to the effect that due to misconception he has given the said complaint and it was also verified by the chemical analyst, this Court is of the view that no purpose is going to be served by continuing the process. This fact was also informed to the Trial Court during the course of bail application. This Court is inclined to quash the First Information Report in Crime No.948 of 2018.

5. Accordingly, this Criminal Original Petition is allowed.

Sd/-

Assistant Registrar (CRL)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

pnn

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,
PEW- Kumbakonam Police Station,
Thanjavur District.

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

CrI.O.P.(MD)No.3011 of 2019

29.11.2021

MGJ(20.12.2021) 2P 3C

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