



WEB COPY

Crl.O.P.(MD)No.12383 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 31.08.2021

CORAM:

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

Crl.O.P.(MD)No.12383 of 2021

and

Crl.M.P(MD).No.6332 of 2021

Oorkattan

... Petitioner/Sole Accused

Vs.

1.State Rep. by

The Special Sub Inspector of Police,
Gangaikondan Police Station,
Tirunelveli District.
(In Crime No.418/2020)

... 1st Respondent/Complainant

2.M.Arumugam,

The Special Sub Inspector of Police,
534, Gangaikondan Police Station,
Tirunelveli District.

... 2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records pertaining to the case registered in First Information Report in Crime No.418 of 2020 on the file of the first respondent and quash the same as illegal.

For Petitioner : Mr.G.Anto Prince

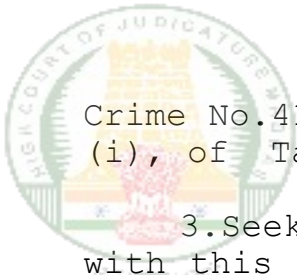
For Respondents : Mr.R.M.Anbunithi

Additional Public Prosecutor

ORDER

This petition has been filed to call for the records pertaining to the case registered in First Information Report in Crime No.418 of 2020 on the file of the first respondent and quash the same as illegal.

2.The case of the prosecution is that on 26.12.2020, at about 2.15 p.m., the defacto complainant who is the Special Sub Inspector of Police along with other police officials were on duty Patrol near a Mahal, at that time they found that the petitioner was holding an Old cement bag containing 4 bottles of 180 ml Black Pearl Brandy liquor bottles. The Police officials enquired the petitioner, during the course of enquiry, the petitioner stated that he had purchased the Brandy bottles from the Government Tasmac Shop and was trying to sell the same for higher price. Thereafter, the police officials had seized the 4 bottles and 150 Rupees from the petitioner and the first respondent, has registered the case against the petitioner in



Crime No.418 of 2020 for the offences punishable under Sections 4(1)(i), of Tamil Nadu Prohibition Act, 1937.

3. Seeking quashment of the same, the petitioner has come up with this Criminal Original Petition, mainly on the ground that the offences alleged against the petitioners, i.e the maximum punishment for the offence under Section 4(1)(i), of Tamil Nadu Prohibition Act, 1937 is three months or with fine of Rs.1000/-.

4. Since the occurrence took place on 26.12.2020, as per section 468 Cr.P.C, within six months Final Report ought to have been filed before the concerned Court. But, in the present case, even after a lapse of more than 8 months from the date of occurrence, Final Report has not yet been presented before the concerned Court, which is barred by limitation.

5. The learned Additional Public Prosecutor would submit that on verification with the Investigating Officer, it is revealed that so far no Final Report has been presented before the concerned Court.

6. It is seen from the records that occurrence took place on 26.12.2020 and till now no Final Report has been filed. Also a petition seeking extension of time under Section 473 Cr.P.C has also not been filed before the concerned Court.

7. In view of the forgoing reasons, this Criminal Original Petition allowed. Case in Crime No.418 of 2020, pending on the file of the first respondent police, is hereby quashed. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (Records)

// 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 Special Sub Inspector of Police,
Gangaikondan Police Station,
Tirunelveli District.

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



2.M.Arumugam,
The Special Sub Inspector of Police,
534, Gangaikondan Police Station,
Tirunelveli District.

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

+1 CC to M/s.G.ANTO PRINCE, Advocate (SR-27781[F] dated
01/09/2021)

CrI.O.P. (MD)No.12383 of 2021
31.08.2021

RS (22.09.2021) 3P 5C