



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal original Jurisdiction)

Date : 18.01.2021

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PRESENT

THE HONOURABLE MRS .JUSTICE R.HEMALATHA

CRL OP(MD) . No.15994 of 2020

and

Cr1.M.P(MD) .No.7944 of 2020

1.T.Pitchamuthu

2.P.Thiruvankadam

... Petitioners

Vs

1.State rep., by
Sub Inspector of Police,
Thuraiyur Police Station,
Tiruchirapalli District.
(Crime NO.504 of 2020)

2.D.Kalaiselvan

...Respondents/Complainant &
Defacto Complainant

Prayer: Criminal Original Petition filed under Section 482 of Code of Criminal Procedure Code to call for the records in Crime No.504 of 2020 on the file of the first respondent police and quash the same.

For Petitioner : Mr.T.Dhamodharan

For R-1 : Mr.A.Robinson

Government Advocate (Criminal side)

ORDER

The present petition is filed to quash the FIR in Crime No.504 of 2020 on the file of Thuraiyur Police Station.

2.The petitioner seeks to quash the FIR on the following grounds:

(i)FIR does not disclose any offence much less the offences punishable under Sections 4(1)(a), 4(1)(i) and 4(1-A) of Tamil Nadu Prohibition Act and under Section 269 of the Indian Penal Code.

(ii)Though the police allegedly seized the contraband at about 4.30 pm., registered FIR only at about 6.00 pm.,



on the date of occurrence and hence, the FIR cannot be sustained.

3.Mr.A.Robinson, learned Government Advocate (Criminal side), who accepts notice on behalf of the first respondent, would submit that there is no bar for registering FIR, subsequent to the recovery of the material objects from the accused. In the instant case, the Sub-Inspector of Police has arrested the accused, who was allegedly in possession of illicit arrack and a case was registered against them under Sections 4(1)(a), 4(1)(b), 4(1)(g), 4(1)(i) and 4(1-A) of Tamil Nadu Prohibition Act, Section 269 Indian Penal Code and Section 51(b) of Disaster management Act, 2005.

4.Though the learned counsel for the petitioners raised the aforesaid grounds for quashing the FIR, he restricted his arguments to one aspect without dwelling upon the other points. His contention is that he would be satisfied, if the Sub-Inspector of Police, Thuraiyur Police Station files a final report in Crime No.504 of 2020 as early as possible, since the first petitioner is a Salesman in TASMAL outlet.

5.Considering the request made by the learned counsel appearing for the petitioners, the respondent Police is directed to file a final report within a period of three months from the date of receipt of a copy of this order/uploading of the order.

6.With the above observations, the Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-I)

// 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 Sub Inspector of Police,
Thuraiyur Police Station,
Tirunelveli District.

<https://hcservices.hc.mys.gov.in/hcservices/>



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

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(CO)

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