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CRL.O.P.(MD)NO.16417 OF 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.12.2021

CORAM

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

Cr1.O.P.(MD)No.16417 of 2021 and
CRL.M.P.(MD)Nos.8846 & 8847 of 2021

Palani @ Palanikumar

... Petitioner / Sole Accused

Vs.

State rep. By,

1. The Inspector of Police,

Prohibition Enforcement Wing police station,
Madurai City.

(Crime No.1012 of 2021)

2. R.A.Venkateswaran,

Special Sub Inspector of Police,
Prohibition Enforcement Wing police station,
Madurai City.

(Crime No.1012 of 2021) ... Respondents / Complainants

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to call for the records relating to the charge sheet in S.T.C.No.6485 of 2021 on the file of the Judicial Magistrate No.VI, Madurai and quash the same as against the petitioner is concerned.

For Petitioner

: Mr.M.Subash Babu

For R-1

: Mr.T.Senthil Kumar,

Additional Public Prosecutor.

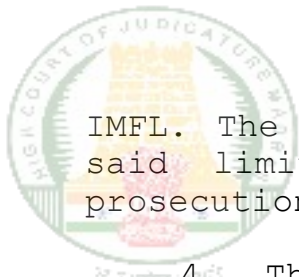
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O R D E R

Heard the learned counsel on either side.

2. This criminal original petition has been filed to quash the proceedings in S.T.C.No.6485 of 2021 on the file of the Judicial Magistrate No.VI, Madurai.

3. The petitioner is facing trial for the offence under Section 4(1)(a) of the Tamil Nadu Prohibition Act. The case of the prosecution is that the petitioner was found in possession of 12 bottles of Diamond rum. Each bottle is having 180 ml. According to the prosecution, the petitioner was keeping it for the purpose of sale. But in respect of the said allegation that the possession was for the purpose of sale, there is absolutely no material. As per the statutory rules, the petitioner is entitled to possess 4.5 liters of



IMFL. The quantity possessed by the petitioner is well within the said limit. Therefore, the very institution of the impugned prosecution is not maintainable.

4. Therefore, the impugned proceedings are quashed. This criminal original petition is allowed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

PMU

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 Judicial Magistrate No.VI,
Madurai.
 2. The Inspector of Police,
Prohibition Enforcement Wing police station,
Madurai City.
 3. R.A.Venkateswaran,
Special Sub Inspector of Police,
Prohibition Enforcement Wing police station,
Madurai City.
 4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +1 CC to M/s.M.SUBASH BABU, Advocate (SR-38462[F] dated 13/12/2021)

Cr1.O.P. (MD)No.16417 of 2021

10.12.2021

_RD(22.12.2021) 2P 6C