



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.12.2021

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

Crl O.P. (MD) No. 16346 of 2021

and

Crl MP (MD) No. 8782 of 2021

1. Agamudayar Sandhu Sekar @ Sandhuru

2. Kathiresan ... Petitioners./Accused Nos. 1 and 2

vs.

1. The Inspector of Police,
Sankarankovil Town Police Station,
Tenkasi District.
(In Crime No. 587 of 2021 ... 1st respondent/complainant

2. Mahalakshmi
Divisional Excise Officer,
Tenkasi District. ... 2nd respondent/
defacto complainant

Prayer : Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records relating to the Crime No. 587 of 2021 on the file of the first respondent and quash the same as against the petitioners.

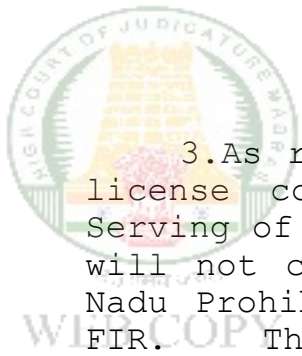
For Petitioners : Mr. M. Veilkani Raju

For Respondent No. 1 : Mr. T. Senthilkumar,
Additional Public Prosecutor

ORDER

Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor for the first respondent.

2. The petitioners are running a recreation club which has been registered under the provisions of the Tamil Nadu Societies Registration Act. The club has also been granted FL.II license under the Tamil Nadu Liquor (License and Permit) Act, 1981. On 14.10.2021, it was found that the petitioners were serving liquor to the non-members also. On that ground, the impugned FIR came to be registered.



3.As rightly contended by the petitioner, for violation of the license conditions, action can be taken under relevant rules. Serving of liquor to the persons who are not the members of the club will not constitute an offence under Section 4(1)(i) of the Tamil Nadu Prohibition Act, 1937. On this ground, I quash the impugned FIR. The criminal original petition is allowed. Connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

skm

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,
Sankarankovil Town Police Station,
Tenkasi District.

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

+1 CC to M/s.M.VEILKANI RAJ, Advocate (SR-37176[F] dated 03/12/2021)

Cr1 O.P. (MD) No.16346 of 2021

and

Cr1 MP (MD) No.8782 of 2021

01.12.2021

nsn(CO)

TR(10.12.2021) 2P 4C