



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.12.2021

CORAM

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

Cr1.O.P.(MD)No.19139 of 2021 and

CRL.M.P.(MD)No.10649 of 2021

WEB COPY

Charles Prabhu

... Petitioner / Sole Accused

Vs.

1. State rep. By,
The Inspector of Police,
P.E.W. - Madurai City,
Madurai City.
(Crime No.1647 of 2021)

... 1st Respondent / Complainant

2. Sakthimanikandan,
Special Sub Inspector of Police,
PEW-Madurai City police station,
Madurai City.

... 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 impugned FIR in Crime No.1647 of 2021 dated 19.10.2021 on the file of the first respondent police and quash the same as illegal.

For Petitioner : Mr.M.Sridharan

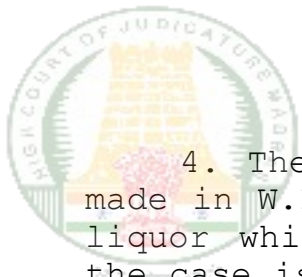
For Respondents : Mr.T.Senthil Kumar,
Additional Public Prosecutor.

O R D E R

Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.

2. The petitioner has been shown as accused in Crime No.1647 of 2021 registered on the file of the first respondent for the offences under Sections 4(1)(a) and 4(1)(i) of the Tamil Nadu Prohibition Act.

3. The case of the prosecution is that the petitioner was found carrying two bottles of brandy in his two wheeler. Even according to the prosecution, the total quantity comes to 1 ½ litres. As per the statutory rules, an individual can carry up to 4.5 litres.



4. The case on hand is squarely by the order dated 15.09.2020 made in W.P.(MD)No.10136 of 2020. Since the petitioner was carrying liquor which was well within the statutory limit, registration of the case is not warranted. Therefore, the impugned First Information Report is quashed. The respondents are directed to return the vehicle forthwith and without any delay.

5. This criminal original petition is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD I)

// 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 Inspector of Police,
P.E.W. - Madurai City,
Madurai City.

2.Special Sub Inspector of Police,
PEW-Madurai City police station,
Madurai City.

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

+1 CC to M/s.M.SRIDHARAN, Advocate (SR-37736[F] dated 08/12/2021)
Crl.O.P.(MD)No.19139 of 2021
07.12.2021

MGJ(09.12.2021) 2P 5C