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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.12.2021

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P(MD)No.19718 of 2021

Manikandan ... Petitioner

Vs.

1.The State rep. by
The Inspector of Police,
Koodankulam Police Station,
Tirunelveli District.
(Crime No.318 of 2021)

2.Vinu Kumar ... Respondents

Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the entire records pertaining to the case in Crime No.318 of 2021 on the file of the Inspector of Police, Koodankulam Police Station, Tirunelveli District and quash the same in respect of the petitioner.

For Petitioner : Mr.A.Kesavan

For Respondents : Mr.E.Antony Sahaya Prabahar,
Addl. Public Prosecutor for R1.

O R D E R

This criminal original petition has been filed to quash the FIR in Crime No.318 of 2021 registered on the file of the Koodankulam Police Station for the offence under Section 4(1)(i) of Tamilnadu Prohibition Act.

2.The petitioner was riding a two wheeler. The petitioner's case is that he gave hitch-hike to the first accused namely, Edward. It appears that the first accused is a habitual offender. The two wheeler was intercepted and 20 bottles of brandy containing a total quantity of 3.60 litters was also seized. The petitioner's counsel would point out that an individual is permitted to possess 4.50 litters of IFML and that the possession in this case fell well within the permissible limits. If the accused had been caught selling IFML unauthorisedly, then the offence may be attracted. But in this case, they were only found in possession. Since possession of IMFL was well within the permissible limits, the very

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registration of the impugned FIR is bad in law. The impugned FIR is quashed and the criminal original petition is allowed. The benefit of this order will enure in favour of the non-petitioning first accused also.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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,
Koodankulam Police Station,
Tirunelveli District.

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

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MGJ(23.12.2021) 2P 3C

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