



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P (MD)No.20844 of 2021

and

Crl.M.P. (MD)No.11950 of 2021

Venkatesamoorthy

... Petitioner / Accused

Vs

1.State through the
Inspector of Police,
Courtallam Police Station,
Tenkasi District,
In Crime No.152 of 2021.

...Respondent/Complainant

2.K.V.Subramanian
Sub Inspector of Police,
Courtallam Police Station,
Tenkasi District.

... Respondent/Defacto Complainant

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to call for the records pertaining to Crime No.152 of 2021 dated 03.04.2021 on the file of the first respondent police, Tenkasi District and Quash the same.

For Petitioner : Mr.K.Suyambulingabharathi

For R1 : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

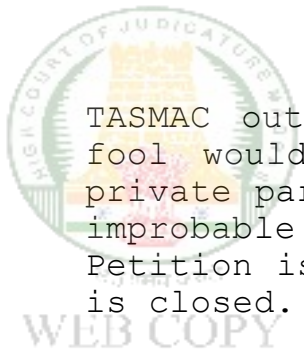
ORDER

Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

2. The petitioner is figuring as accused in Crime No.152 of 2021 registered on the file of the Courtallam Police Station for the offence under Section 4(1)(i) of Tamilnadu Prohibition Act.

3. According to the prosecution, on 03.04.2021 at about 4.30 pm., the petitioner was found in possession of four brandy bottles each containing 180 ml and was selling the same. The petitioner's counsel sates that there is a prior motive between the informant SI of police and the petitioner.

4. I do not want to go into the factual controversy. Suffice it to say, the quantity possessed by the petitioner is well within the permissible limits. There is absolutely no material to show that he was engaged in selling the liquor. One can take judicial notice of the fact that the Government itself opened



TASMAC outlet all over the State for vending liquor. Not even a fool would buy what is available in TASMAC outlets from a private party. The case projected by the prosecution is inherently improbable and absurd. It stands quashed. This Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Crl.)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

rmi

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,
Courtallam Police Station,
Tenkasi District.
- 2.The Sub Inspector of Police,
Courtallam Police Station,
Tenkasi District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P(MD)No.20844 of 2021
23.12.2021

SR (CO)
AP(10.01.2022) 2P 4C