



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 30/6/2022

C O R A M

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

Criminal Original Petition No.12124 of 2022
a n d
Crl.M.P.No.6808 of 2022

Kumaresan

...Petitioner / Accused

Vs

State
rep. By The Sub-Inspector of Police
Ethappur Police Station
Salem District.

...Respondent / Complainant

PRAYER : Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to FIR No.321 of 2020 pending on the file of the Sub-Inspector of Police, Ethappur Police Station, Salem District and quash the same.

For Petitioner ... Mr.M.Selvam

For Respondent ... Mr.A.Gopalakrishnan
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to quash FIR No.321 of 2020, pending on the file of the Sub-Inspector of Police, Ethappur Police Station, Salem District.

2. The case of the prosecution is that on 22/4/2020, at about 10.20 a.m., when the petitioner has driven a two wheeler vehicle, bearing Registration No.TN54D-8778, the respondent Police had stopped the vehicle and searched the person by name Geethan, who is a pillion rider, and found 20 pockets of arrack each containing 1 litre. Hence, registered a case against the



petitioner and Geethan, for the offences punishable under Section 4 (1) (a) of the Tamil Nadu Prohibition Act.

3. Heard Mr.M.Selvam, learned counsel for the petitioner and Mr.A.Gokulakrishnan, learned Additional Public Prosecutor for the respondent.

4. The learned counsel appearing for the petitioner submitted that the respondent Police has failed to ascertain the real facts before registering the First Information Report against the petitioner and he has been falsely implicated in this case.

5. Perused the First Information Report and the materials available on record.

6. When the Court posed a question whether the sample has been sent to Forensic lab, the learned Additional Public Prosecutor submitted that the sample has not been sent to the Forensic lab. In the absence of any such chemical report or sample being sent to Forensic lab, continuing the prosecution is nothing but a futile exercise. Moreover, the very First Information Report has been filed by the Sub-Inspector of Police.

7. In such a view of the matter, when there is a serious allegation of carrying the spurious liquor and the sample has not been sent to Forensic lab, would indicate that the prosecution against the petitioner is nothing but an abuse of process of law.

8. In the result, this Criminal Original Petition is allowed and First Information Report No.321 of 2020, pending on the file of the Sub-Inspector of Police, Ethappur Police Station, Salem District, against the petitioner alone is quashed. Consequently, the connected Criminal Miscellaneous Petition No.6808 of 2022 is closed.

Sd/-
Assistant Registrar

True Copy//

Sub Assistant Registrar



mvs.

To

1. The Sub-Inspector of Police
Ethappur Police Station
Salem District.

2. The Public Prosecutor
Madras High Court.

+2ccs to Mr.M.Selvam, Advocate, S.R.No.42372,42482

Cr1. O.P. No.12124 of 2022

AK-II[co]
NSK/06/07/2022