



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.01.2022

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P(MD)No.1235 of 2022
and
Crl.M.P. (MD)No.906 of 2022

Priyadharashini ... Petitioner
Vs.

State rep. by
The Inspector of Police,
Prohibition Enforcement Wing,
Madurai City,
Madurai District.
(Crime No.1711 of 2021) ... Respondent

Prayer: This 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.1711 of 2021 dated 03.11.2021 on the file of the respondent/complainant and quash the same as against the petitioner/accused No.4.

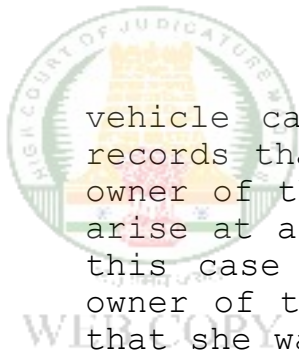
For Petitioner : Mr.R.Venteswaran
For Respondent : Mr.B.Thanga Aravindh,
Govt. Advocate (Crl. Side).

ORDER

Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) for the respondent.

2.The respondent registered Crime No.1711 of 2021 on 03.11.2021 for the offences under Sections 4(1)(a) and 4(1)(i) of Tamilnadu Prohibition Act. The case of the prosecution is that on the said date in the vehicle bearing Registration No.PY 01 BQ 8446 (Ford Fiesta), the contraband was found (48 liquor bottles). They had been procured from Pondicherry. Since the vehicle stood in the name of the petitioner, the petitioner was also shown as the fourth accused.

3.The learned counsel for the petitioner draws my attention to the fact that the vehicle in question was sold two months earlier to the first accused/Vikram. Of-course in the RC book, necessary changes were yet to be made. But then, a movable property like



vehicle can be sold by delivery. Since it is apparent from the records that on the occurrence date the petitioner ceased to be the owner of the vehicle, the question of arraying her accused does not arise at all. The reason for arraying the petitioner as accused in this case was only on the ground that her name was shown as the owner of the offending vehicle. Since it has now come to be known that she was not the owner on the occurrence date, her name deserves to be deleted from the FIR. In this view of the matter, the impugned FIR is quashed as far as the petitioner is concerned. The benefit of this order will in no way enure in favour of the other accused. They have to necessarily face the case on merits.

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

Sd/-

Assistant Registrar(CS-II)

// True Copy //

/ /2022

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,
Prohibition Enforcement Wing,
Madurai City,
Madurai District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.R.VENKATESWARAN, Advocate (SR-2663[F] dated 27/01/2022)

CrI.O.P (MD)No.1235 of 2022
25.01.2022

ma (CO)
TR(09.02.2022) 2P 4C