



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.01.2022

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P(MD)No.1394 of 2022

R.Azhagar

... Petitioner/Accused No.1

Vs.

The Inspector of Police,
Narikkudi Police Station,
Thiruchuli Taluk,
Virudhunagar District.

... Respondent

Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to quash the First Information Report in Crime No.117 of 2021 on the file of the respondent police as illegal and arbitrary.

For Petitioner : Mr.R.Sevugaraja

For Respondent : Mr.M.Sakthi Kumar,
Govt. Advocate (Crl. Side)

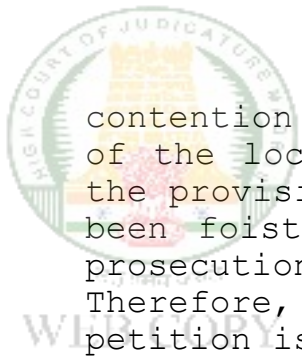
O R D E R

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

2.This criminal original petition has been filed to quash the impugned FIR.

3.The petitioner stands accused for having committed the offences under Sections 4(1)(i) and 14A Tamil Nadu Prohibition Act.

4.The case of the prosecution is that on 01.11.2021 at around 11.00 am, the petitioner was found in possession of 10 bottles of liquor. The total quantity available with the petitioner was 1800 ML. This is well within the permissible limits which a person can have. Of-course the allegation is that the petitioner was selling the same unauthorizedly. This allegation cannot be believed. When State has opened liquor outlets all over, it is absurd to imagine that a person will be selling liquor in a public place openly at 11.00 am. There is also merit in the petitioner's counsel's



contention that since the petitioner was responsible for the arrest of the local Sub Inspector in the year 2017 for the offence under the provisions of Prevention of Corruption Act, the present case has been foisted on him. Looked at from any angle, the case of the prosecution cannot be believed. It is inherently improbable. Therefore, the impugned FIR is quashed. This criminal original petition is allowed.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

ias

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,
Narikkudi Police Station,
Thiruchuli Taluk,
Virudhunagar District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P (MD)No.1394 of 2022
27.01.2022

MGJ(16.02.2022) 2P 3C