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Crl.O.P.No.6257 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.6257 of 2023 and
Crl.M.P.No.3921 of 2023

R.Thiyagu

... Petitioner

Vs.

1.State Rep by,
Inspector of Police,
PEW Police Station,
Duraismi St. Kamarajapuram,
Ambattur, Chennai – 600053.

2.K.A.Mukundan
District Superintendent,
TASMAC Ltd.,
Tiruvallur South District,
Tiruvallur.

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records relating to Cr.No.1283 of 2014, on the file of the Inspector of Police, PEW Police Station, Ambathur Police District and quash the same.

For Petitioner : Mr.G.M.Gokul Ram
For Respondents : Mr.Leonard Arul Joseph Selvam,
Government Advocate (Crl.Side) for R1.



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ORDER

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This Criminal Original Petition has been filed to call for the records relating to Crime No.1283 of 2014, on the file of the Inspector of Police, PEW Police Station, Ambathur and quash the same.

2.It is the submission of the learned counsel for the petitioner that FIR in Crime No. 1283 of 2014 was registered against the petitioner for the offences under Sections 24(A) & 4(1-A) of the Tamil Nadu Prohibition Act, 1937, read with Section 272 IPC. Petitioner understands that the respondent filed an alteration report altering the sections from 24(A) & 4(1-A) of the Tamil Nadu Prohibition Act 1937 read with Section 272 IPC to Section (4) (1) (a) r/w 24 TNP Act.

3.The offences under Section 4(1) (a) is punishable with imprisonment for a term which may extend to three months or with fine which may extend to one thousand rupees and for the offence under Section 24-A, with imprisonment for a term which may extend to three years and with fine which may extend to three thousand rupees. However,



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FIR in this case was registered on 17.11.2014. Even after the completion of more than eight years, final report is not filed and even if the final report is filed now, there is a bar under Section 468 Cr.P.C. for taking cognizance of the offences.

4.The learned Government Advocate (Crl.Side) submitted that investigation in this case is over and final report is ready.

5.Considered the rival submissions and perused the records.

6.It is seen from the FIR that on 17.11.2014, at about 2 p.m., respondent police found that the petitioner was selling Brandy in TASMAL shop No.8899 mixing water with it. When examined, the liquor gave a pungent smell and caused eye irritation. Therefore, FIR was registered under Sections 24(A) & 4(1-A) of the Tamil Nadu Prohibition Act, 1937, read with Section 272 IPC. After investigation, alteration report was filed altering Sections from 24(A) & 4(1-A) of the Tamil Nadu Prohibition Act, 1937, read with Section 272 IPC to Section (4) (1) (a) r/w 24 TNP Act.



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7.As rightly pointed out by the learned counsel for the petitioner, the offences under Section 4 (1) (a) is punishable with imprisonment for a term which may extend to three months or with fine which may extend to one thousand rupees, the offence under Section 24-A, is punishable with imprisonment for a term which may extend to three years and with fine which may extend to three thousand rupees. Therefore, the final report ought to have been filed within three years from the date of registration of the FIR i.e,17.11.2014. Now we are in 2023, but the final report is not filed till date. Even if it is filed now, there is a bar under Section 468 for taking cognizance of the aforesaid offences. In the said circumstances, no useful purpose will be served by keeping the FIR pending.

8.In this view of the matter, this criminal original petition is allowed and the proceedings in Crime No.1283 of 2014, on the file of the Inspector of Police, PEW Police Station, Ambathur is quashed. Consequently, connected miscellaneous petition is also closed.

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Internet:Yes
Index:Yes/No
Speaking/Non speaking order

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G.CHANDRASEKHARAN, J.
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