



Crl.O.P.(MD)No.5805 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **08.06.2023**

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

Crl.O.P.(MD)No.5805 of 2023

Jeffin Meishak

... Petitioner

Vs.

1. The State, represented by
The Inspector of Police,
Puliyampatti Police Station,
Thoothukudi District.
(Crime No.44 of 2020).

...1st Respondent/Complainant

2. Radhakrishnan,
Sub-Inspector of Police,
Puliyampatti Police Station,
Thoothukudi District.

...2nd Respondent/Defacto
Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records of the FIR in Crime No. 44 of 2020 on the file of the first respondent dated 20.04.2020 and quash the same as illegal.

For Petitioner : Mr.Joseph Zinoson.J
For Kwin Law Associates

For 1st Respondent : Mr.S.Manikandan
Government Advocate (Crl.Side)



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ORDER

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This Criminal Original Petition is filed seeking a direction to quash the First Information Report in Crime No.44 of 2020 on the file of the respondent.

2.The case of the prosecution as per the defacto complainant's version is that on 20.04.2020 at about 10.00 a.m., he along with the Police people on patrol duty in view of the pandemic situation, they found a car bearing Registration No.TN 69 BJ 2283 in a suspicious manner, which was intercepted and on search, the above said vehicle was in possession of 12 beer bottles bearing brand name SNJ-10000 Deluxe Super Strong Bear Bottle, on enquiry, the above said person did not get any proper explanation. On that basis, the case was registered for the offences punishable under Section 188, 269 IPC and 4(1)(a), 14(A) of TNP Act. Seeking quashment of the same, this petition has been filed.

3. The allegations mentioned in the First Information Report does not attract the incrediance of the offences mentioned. But however, during the course of argument, the learned counsel relied upon the



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G.O.Ms. No.14, Home, Prohibition and Excise (VI), 9th June 2017, passed by the Government. By virtue of the powers conferred on it by the Section 54 read with clause (iii) of the Provisio to Sub Section (1) of Section 4 of Tamil Nadu Prohibition Act, 1937, amendment was issued, by which, possession for personal consumption was mentioned in a tabular column.

Liquor	Quantity
Indian Made Foreign Spirits	4.5
Imported Foreign Liquor	4.5
Beer	7.8
Wine	9

4. Based on the above said table, this petition has been filed that the incrediance are not at all attracted and the seized quantity is below the permitted limit. As mentioned in the First Information Report, 750 m.l., of 12 beer bottles have been seized, which is 1200 ml is excess of the permitted quantity as per the above said Government Order. On that ground, this petition will not lie. But with regard to the aspect that after lapse of three years, Final Report has not been filed by completion of investigation, this petition is allowed. Hence, First Information Report in



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Crime No.44 of 2020 on the file of the respondent Police is liable to be quashed and accordingly quashed.

5.In the result, this Criminal Original Petition is allowed.

08.06.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

Indu

To

1. The Inspector of Police,
Puliyampatti Police Station,
Thoothukudi District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGO VAN,J.

Indu

Order made in
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