



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.12.2023

CORAM:

THE HON'BLE MR.JUSTICE **G.ILANGOVAN**

Crl.O.P(MD).No.21978 of 2023

Pandiselvam

... Petitioner

Vs.

1.The State Rep.by
The Inspector of Police,
Vadipatti Police Station,
Madurai District.
(Crime No.698 of 2017)

2.Palanisamy

... Respondents

Prayer: Criminal Original Petition filed under section 482 of Criminal Procedure Code, To call for the entire records pertaining to the FIR in Crime No. 698 of 2017 pending on the file of the Inspector of Police, Vadipatti Police station, Madurai district and quash the same as against the petitioner and pass such any or other orders.

For Petitioner : Mr.M.Pandian

For R-1 : Mr.R.M.Anbunithi
Addl.Public Prosecutor(Crl.side)

ORDER

This Criminal Original petition has been filed to quash the proceedings in Crime No. 698 of 2017 on the file of the first respondent police.



2. The learned counsel for the petitioner would submit that the petitioner is innocent and for statistical purpose a false case has been foisted against the petitioner. He would further submit that the petitioner was charged for the offence under Section 4(1-A), 4(1)(i) of TNP Act and till date no final report was filed by the respondent police.

3. Heard the learned Additional Public Prosecutor

4. A perusal of the CD file also shows that no sample was taken and sent to lab for examination, even after lapse of six years. A reading of the First Information Report shows that 106 brandy bottles were recovered from this petitioner and when it is opened some foul smell was smelt and they suspect that some poisonous substances mixed in the contraband. To note that contents so far no chemical examination is undertaken.

5. On that sole ground alone this Criminal Original Petition is allowed and the proceedings in Crime No. 698 of 2017 on the file of the first respondent is hereby quashed in so far as the petitioner is concerned.

06.12.2023

Internet : Yes / No
Index : Yes / No
Speaking / Non Speaking order
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To;

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



G.ILANGOVAN, J.

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