



Criminal Original Petition No.2463 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.02.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Criminal Original Petition No.2463 of 2024

and

Crl.M.P.No.1766 of 2024

T.Senthil

...Petitioner

Vs

1.State rep. by
The Inspector of Police
PEW – Dharapuram Police Station
Tiruppur District
Tiruppur.
Crime No.846 of 2021.

2.Shanmugasundaram

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, 1973, praying to call for the records pertaining to the crime No.846 of 2021 dated 15.05.2021 on the file of the first respondent police and quash the same.

For Petitioner : Mr.M.Vignesh
For Respondent 1 : Mr.A.Damodaran
Additional Public Prosecutor



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ORDER

This petition has been filed challenging the FIR in Crime No.846 of 2021 pending investigation on the file of 1st respondent.

2. Heard Mr.M.Vignesh, learned counsel for the petitioner and Mr.A.Damodaran, Additional Public Prosecutor, appearing on behalf of respondents.

3. The case of the prosecution is that the petitioner came in a Tata sumo car and when the vehicle was seized, the petitioner was found to be in possession of liquor bottles. Hence, an FIR came to be registered in Crime No.846 of 2021 for offence under Section 4(1) (aa) of the Tamil Nadu Prohibition Act.

4. The learned Additional Public Prosecutor submitted that the final report is yet to be filed by the respondent in this case,



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5. In the considered view of this Court, the maximum punishment under Section 4(1) (aa) of the Tamil Prohibition Act, is only three months. Hence, the final report ought to have been filed within a period of one year. Since the same has not been done, there is a bar under Section 468 (2) (d) of Cr.PC. Considering the facts and circumstances of the case, there is no need to invoke Section 473 of Cr.PC. Therefore, the continuation of the investigation will result in an abuse of process of law.

6. In the light of the above discussion, the FIR in Crime No.846 of 2021, is hereby quashed and this Criminal Original petition is allowed. Consequently, the connected miscellaneous petition is closed.

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Index : Yes/No
Speaking order: Yes/No
Neutral citation: Yes/No
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N.ANAND VENKATESH, J
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To

- 1.The Inspector of Police
PEW – Dharapuram Police Station
Tiruppur District
Tiruppur.
- 2.The Public Prosecutor,
High Court, Madras.

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