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CrI.O.P No.6840 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2024

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

CrI.O.P No.6840 of 2024

and

CrI.M.P.No.5018 of 2024

G.Murugan
S/o.Gopi

... Petitioner

vs.

1.The State represented by
The Inspector of Police,
Anakkavoor Police Station,
Tiruvannamalai District.

2.V.Govindasamy ... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the entire records connected with the impugned FIR in Crime No.240 of 2023 on the file of first respondent police and quash the same.

For Petitioner : Mr.L.G.Sahadevan

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor [R1]



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ORDER

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This Criminal Original Petition has been filed seeking to quash the First Information Report in Crime No.240 of 2023 pending on the file of first respondent.

2. The case of the prosecution is that during the police patrolling on 10.07.2023 at about 6.30 p.m., a two wheeler was intercepted. Seeing the police, the driver of the two wheeler dropped the vehicle and the bag that was carried in that two wheeler and ran away from the spot. On searching the vehicle, 15 bottles of 180 ML liquor without any sticker or manufacturing date was seized. On further enquiry, the police found that the person, who had driven the vehicle was the petitioner. Based on the complaint of the second respondent, the first respondent registered a First Information Report in Crime No.240 of 2023 for offences under Sections 4(1)(a) and 4(1-A) of the Tamil Nadu Prohibition Act.

3. Heard Mr.L.G.Sahadevan, learned counsel for petitioner and Mr.A.Damodaran, learned Additional Public Prosecutor appearing for first respondent.



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4. Insofar as the possession of the liquor bottles is concerned, *per se* it cannot be held to be an offence. This is in view of the fact that the liquor is sold through IMFL shops and therefore, anybody can take possession of the liquor bottles. What is relevant to see is the contents in the liquor bottles. Hence, the same has to be sent for analysis and the report from the analyst will bring to light as to whether the liquor is safe for drinking or it was spurious liquor. Only based on this result, a final decision can be arrived at by the police.

5. In view of the above, there shall be a direction to the first respondent to collect the report and based on the report, either final report or closure report will be filed as the case may be within a period of two (2) months from the date of receipt of a copy of this order.

This Criminal Original Petition is disposed of in the above terms.

Consequently, connected miscellaneous petition is closed.

21.03.2024

Index : Yes/No
Neutral citation: Yes/No
Speaking Order/Non-Speaking Order
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N. ANAND VENKATESH, J.

gm

To

1. The Inspector of Police,
Anakkavoor Police Station,
Tiruvannamalai District.
2. The Public Prosecutor,
High Court of Madras,
Madras.

Crl.O.P.No.6840 of 2024

21.03.2024