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Crl.O.P.(MD)No.290 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **04.11.2024**

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.(MD) No.290 of 2023

and

Crl.M.P.(MD).No.249 of 2023

Karuppasamy

... Petitioner

Vs.

State represented by
the Sub-Inspector of Police,
Vadipatti Police Station,
Madurai District.
Crime No.315 of 2020

...Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to quash the First Information Report by the respondent in Crime No.315 of 2020 for the alleged offence under Sections 143, 188, 269, 270 of IPC and Section 4(1) of Tamil Nadu Prohibition Act.

For Petitioner : Mr.S.Balakarthick

For Respondent : Mr.S.Ravi,
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to quash the First Information Report in Crime No.315 of 2020 pending investigation on the file of the respondent Police.



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2. The case as projected in the First Information Report is that the accused persons were found digging pots in the earth and on seeing the Police, they attempted to flee from that place. They were surrendered and on inspection, they were found in possession of three plastic pots containing illicit arrack (fifteen litres in each pot). That apart this incident had taken place during the pandemic period. It is under these circumstances, an FIR came to be registered in Crime No.315 of 2020 for the offence under Sections 143, 188, 269 and 270 IPC read with Section 4(1-A) of the Tamil Nadu Prohibition Act, 1937 (hereinafter referred to as the “Act”).

3. This quash petition has been filed by Accused No.6 mainly on the ground that he was never involved in this case and that he has been falsely roped in. That apart, he claims to be a Mechanical Engineer, who completed his course in the year 2020.

4. The learned Additional Public Prosecutor appearing for the respondent Police on instructions submitted that investigation is in the verge of completion. The learned Additional Public Prosecutor produced the Case Diary and it is seen that the material that was seized was sent for analysis and it was found that it contained Ethyl Alcohol, Glycerine and



Sugar. The learned Additional Public Prosecutor further submitted that even if the offence under Section 4(1-A) of the Act, is not made out, it clearly makes out an offence under Section 4 (1) (b) of the Act.

5. This Court carefully considered the submissions made on either side and the materials available on record.

6. The case in hand shows the desperation on the part of the accused persons to consume liquor during the pandemic period. There was a complete shut down and persons who are already in the habit of consuming liquor were finding ways and means to satiate their urge to consume liquor and they found out a method whereby they have used Ethyl Alcohol, Glycerine and Sugar to come up with intoxicating liquor.

7. The maximum punishment that is provided for the offence under Section 4 (1) (b) of the Tamil Nadu Prohibition Act, 1937, is a maximum period of three years of imprisonment and fine and the other offences are punishable below this period. The final report has not been filed in this case till date.



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8. Considering the facts and circumstances and the fact that the incident had taken place during the pandemic period, it is seen that the final report even if it is filed cannot be taken cognizance in view of the bar under Section 468 (1) (c) of Cr.P.C. The case in hand does not fall under any extraordinary circumstances warranting the invocation of Section 473 of Cr.P.C. to condone the delay in filing the final report.

9. In view of the above discussion, the First Information Report in Crime No.315 of 2020 that is pending investigation on the file of the respondent Police is hereby quashed insofar as all the accused persons are concerned.

10. Accordingly, this Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

04.11.2024

Index : Yes/No
Internet : Yes/No
TSG



Crl.O.P.(MD)No.290 of 2023

To

1.The Sub-Inspector of Police,
Vadipatti Police Station,
Madurai District.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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N.ANAND VENKATESH. J.

TSG

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