



Crl.O.P.(MD)No.655 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.11.2024

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CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.(MD) No.655 of 2023

and

Crl.M.P.(MD).No.605 of 2023

Muthukumar @ Muthu

... Petitioner

Vs.

1.The State represented by
the Inspector of Police,
Kumbakonam East Police Station,
Thanjavur District.
(Crime No.150 of 2018)

2.Mahadevan,
The Inspector of Police,
Kumbakonam East Police Station,
Thanjavur District.

...Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to the case registered in FIR in Crime No.150 of 2018 pending on the file of the Inspector of Police, Kumbakonam East Police Station, Thanjavur District and quash the same as against this petitioner.

For Petitioner

: Mr.Dhilipan Pandian.R.L.

For R-1

: Mr.A.Albert James,
Additional Public Prosecutor



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For R-2

: No Appearance

ORDER

This Criminal Original Petition has been filed to quash an FIR in Crime No.150 of 2018 pending investigation on the file of the first respondent Police.

2. The case of the prosecution is that the second respondent got secret information that the accused persons are involved in manufacturing and transporting of illicit arrack. On 19.05.2018, at about 01.00 a.m. a vehicle was intercepted and nearly 380 bottles of illicit arrack was seized. Based on the complaint given by the second respondent, an FIR came to be registered as against seven accused persons for the offence under Sections 4(1)(aaa) and 4(1-A) of the Tamil Nadu Prohibition Act, 1937. The petitioner was arrayed as Accused No.7 in this case.

3. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) appearing for the first respondent Police.



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4. This Court carefully went through the allegations made in the First Information Report.

5. The learned Government Advocate (Criminal Side) appearing for the first respondent Police submitted that investigation was completed and final report was filed under Section 4(1)(aaa) of the Tamil Nadu Prohibition Act, 1937, before the learned Judicial Magistrate No.II, Kumbakonam and the final report is yet to be taken on file.

6. It is quite evident that investigation has ultimately ended up by making out an offence under Section 4(1)(aaa) of the Tamil Nadu Prohibition Act, 1937. The First Information Report was registered on 19.05.2018. Till date, the final report that was filed in the year 2023 has not been taken on file. The punishment for offence under Section 4(1)(aaa) can extend upto three years. In such an event, cognizance must be taken within a period of three years as per the mandate under Section 468 (2) (c) of Cr.P.C. Beyond that, cognizance is barred unless the Court chooses to exercise its power under Section 473 of Cr.P.C.

7. In the case on hand, the Chemical Analysis Report does not reveal that the alcohol that was seized contained any poisonous



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substance. That apart, no useful purpose will be served in conducting this case after so many years and the case in hand does not warrant invocation of the power under Section 473 of Cr.P.C.

8. In the light of the above discussion, the First Information Report in Crime No.150 of 2018 pending investigation on the file of the first respondent Police is quashed in its entirety in favour of all the accused persons. Even when this Criminal Original Petition was entertained, this Court specifically directed the respondent Police not to file a final report. However, the final report has been filed and the same has not been taken on file. Therefore, the Court below shall act upon the present order passed and close the final report.

9. This Criminal Original Petition is allowed in the above terms. Consequently, connected miscellaneous petition is closed.

04.11.2024

Index : Yes/No

Internet : Yes/No

TSG

To

1.The Judicial Magistrate No.II,
Kumbakonam.



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2.The Inspector of Police,
Kumbakonam East Police Station,
Thanjavur District.
(Crime No.150 of 2018)

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



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N.ANAND VENKATESH. J.

TSG

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