



Crl.O.P.(MD) No.1513 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.02.2024

CORAM

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CRL.O.P(MD)No.1513 of 2024

Poomani

...Petitioner

VS

1.State represented by
The Inspector of Police,
Sangarankovil Taluk Police Station,
Tenkasi District.
(in Cr.No.134 of 2023)

2.The Sub Inspector of Police,
Sangarankovil Taluk Police Station,
Tenkasi District.

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C,
praying, to call for the records relating to the FIR in Cr.No.134 of 2023 on
the file of the first Respondent herein and to quash the same as illegal.

For Petitioner : Mr.K.Sathish Kumar
For Respondents : Mr.M.Veeranthiran
Government Advocate (Crl.side)



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ORDER

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When the case came up for hearing, the learned Government Advocate (Crl.side) sought time to response. Therefore, the case was adjourned to 07.02.2024.

2. When the case came up for hearing today, the learned Government Advocate (Crl.side), on instructions, submitted that there was 144 proclamation in the surrounding village due to Ondiveeran death anniversary for continuously three days. Therefore, when there is 144 proclamation, the public are not permitted to transport or use alcohol. At that time, the Petitioner was found to have been indulged in transportation of liquor. Therefore, the same was seized and a case was registered against him. The learned Government Advocate (Crl.side) further submitted that there is no previous case pending against him. He also submitted that final report laid before the Court concerned, but not yet taken on file.

3. By way of rejoinder, the learned Counsel for the Petitioner submitted that the vehicle in which the Petitioner is travelling had a car pass



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bearing TN-48 BJ 7815. The Police had stopped the vehicle and they questioned the vehicle driver, while they having the car pass, The Petitioner herein was an inmate traveller in the car, who protested the Police stopping the vehicle without any reason. Therefore, they had foisted a case, as though he was transporting liquor. There were other passengers in the vehicle and only this Petitioner had been arrested and a case had been registered against him. The learned Counsel for the Petitioner further submitted that there were totally 7 passengers, as it is a seven seater vehicle. He invited the attention of this Court to the Registration Number found in the FIR, which is different from the car pass. In the car pass, it is mentioned as TN-48BJ 7815, whereas, in the FIR, it is stated as TN-45-BJ-7815 and the Police officer himself is the complainant. There is no reference to 144 proclamation in the contents in the FIR. It is mentioned only as an afterthought subsequent to the filing of this case.

4.Considering the submission of the learned Counsel for the Petitioner and the learned Government Advocate (CrI.side), the submission of the learned Counsel for the Petitioner is found more probable and the case registered is under flimsy ground.



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In the result, the ***Criminal Original Petition*** is allowed and the FIR in Cr.No.134 of 2023 on the file of the first Respondent is quashed.

Internet :Yes/No
Index :Yes/No
NCC :Yes/No
cmr

07.02.2024

To

The Inspector of Police,
Sangarankovil Taluk Police Station,
Tenkasi District.
(in Cr.No.134 of 2023)

2.The Sub Inspector of Police,
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SATHI KUMAR SUKUMARA KURUP, J.

cmr

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07.02.2024