



Crl.O.P.(MD)No.7767 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.12.2024

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THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.7767 of 2024
and Crl.M.P(MD) No.5435 of 2024

Kavimurugesan

... Petitioner

Vs

1.The State of Tamil Nadu represented by
the Inspector of Police,
PEW- Madurai Police Station,
Madurai District.

2.K.Ravikannan

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records pertaining to the case in Crime No.427 of 2024 on the file of the 1st respondent police and to quash the same.

For Petitioner : Mr.R.Ramanujam

For R1 : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to quash the FIR in Crime No.427 of 2024, pending on the file of the 1st respondent Police.



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2. The case of the prosecution is that on 13.04.2024 at about 08.30 a.m., the 2nd respondent, Special Sub Inspector of Police and his men were on patrol duty. At that time, they noticed the petitioner, who tried to escape after seeing them and on suspicion, they made a search on his two wheeler, and they found that the petitioner was in possession of 180 ml Monitor Brandy 10 bottles in his two wheeler without any valid licence and permission, along with the cash of Rs.2,150/- (Rupees Two Thousand One Hundred and Fifty only). Thereafter, the 2nd respondent lodged a complaint, based on which, a case in Crime No.427 of 2024, for the offence under Sections 4(1)(a), 4(1)(i) and 14A of the Tamil Nadu Prohibition Act, was registered against the petitioner.

3. The learned counsel for the petitioner submitted that the FIR does not attract ingredients of any offence under the Tamil Nadu Prohibition Act. The allegations made in the FIR are so absurd and inherently improbable, on the basis of which no person can be prosecuted. The learned counsel further submitted that as per G.O.Ms.No.14, H.P & EVI Department, Dated 09.06.2017, a person can carry maximum of 4.5 of Indian Made Foreign Spirits lawfully for



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personal use, but in the present case, the petitioner was found in possession of 1.8 litres of liquor. According to the petitioner, he comes under the exceptional category and hence, no offence is made out against him and he prays for quashing of FIR. The learned counsel for the petitioner relied upon the Tamil Nadu Liquor (Possession for Personal Consumption) Rules, 1996 (G.O.Ms.No.75, P&E, dated 19.04.1996).

4. The learned Additional Public Prosecutor appearing on behalf of the respondent Police submitted that the petitioner was illegally selling the liquor bottles to the public. The 2nd respondent Police reached the scene, seized the liquor bottles by way of Seizure Mahazar and arrested the petitioner. He further submitted the investigation is almost in the verge of completion and has strongly objected to quash the case against the petitioner.

5. Considering the facts and circumstances of the case and also taking notice of the Tamil Nadu Liquor (Possession for Personal Consumption) Rules, 1996, (G.O.Ms.No.75, P & E, dated 19.04.1996, relied upon by the learned counsel for the petitioner, it is revealed that an



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individual can carry 4.5 litres of Indian made Foreign spirits for his personal use. Here, in the present case, the petitioner was in possession of 1.8 litres.

6. For better appreciation, the relevant portion of the said Government Order is extracted hereunder:-

“2.Possession of liquor for personal consumption:-

No person shall possess the liquor mentioned in column (1) of the Table below, which have already been specified under Sub-clause (i) of clause (j) of subsection (i) of Section 4 of Tamil Nadu Prohibition Act, 1937 (Tamil Nadu Act X of 1937), for personal consumption, in excess of the quantity specified in the corresponding entries in column (2) thereof

<i>Liquor</i>	<i>Quantity in liters</i>
<i>Indian Made Foreign Spirits</i>	<i>4.5</i>
<i>Imported Foreign Liquor</i>	<i>4.5</i>
<i>Beer</i>	<i>7.8</i>
<i>Wine</i>	<i>9</i>



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7. In view of the above, this Criminal Original Petition is allowed, and the FIR in Crime No.427 of 2024 on the file of the 1st respondent Police is hereby quashed. Consequently, the connected Criminal Miscellaneous Petition is closed.

18.12.2024

NCC : Yes / No

Index : Yes / No

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To

- 1.The Inspector of Police,
PEW- Madurai Police Station,
Madurai District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR, J.

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Order in
CrI.O.P.(MD)No.7767 of 2024
and CrI.M.P(MD) No.5435 of 2024

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