



Crl.O.P.(MD) No.16012 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.01.2024

CORAM

THE HON'BLE MRS.JUSTICE R.HEMALATHA

Crl.O.P.(MD) No.16012 of 2021

and

Crl.M.P.(MD) No.8561 of 2021

N.Sankar

... Petitioner

Vs.

The State rep. by its
Inspector of Police,
PEW – Thiruverumbur,
Trichy District.

... Respondent

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, 1973, praying to call for the records relating to the proceedings in Crime No.421 of 2021 dated 08.05.2021 on the file of the respondent police and quash the same.

For Petitioner : Mr.K.R.Kishore Ram

For Respondent : Mr.M.Sakthi Kumar
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition is filed by the petitioner seeking quashment of First Information Report [FIR] in Crime No.421 of 2021 of PEW-Thiruverambur Police Station, Trichy District.



Crl.O.P.(MD) No.16012 of 2021

2. The case of the prosecution is that on 08.05.2021, at about 08.00 a.m., when the Sub-Inspector of Police, PEW-Thiruverambur Police Station, Trichy District and his team were on routine rounds near Valaiyur-Kariyamanikam Arch Road, they intercepted a white colour Maruthi Swift Car bearing Registration No.TN-48-BB-7987 which was driven by the present petitioner/accused. On inspection, they found 80 bottles of liquor (Copper Brandy 180ml) in the vehicle. When the police enquired the accused in this regard, he admitted that he purchased all the liquor bottles for sale. Thereafter, the police seized all the bottles under a Mahazar in the presence of the police officials and thereafter destroyed the same in the place of occurrence itself. A destruction Mahazar was also prepared. Subsequently, they came down to Police Station and registered an FIR against the present petitioner/accused in Crime No.421 of 2021 for an offence punishable under Section 4(1)(a) of the Tamil Nadu Prohibition Act.

3. Mr.K.R.Kishore Ram, learned counsel for the petitioner/accused would contend that the petitioner was not in possession of 80 liquor bottles as alleged by the prosecution and that he purchased only 10 bottles of liquor for his own use and that the police has taken away all the bottles.



Crl.O.P.(MD) No.16012 of 2021

It is his further contention that the vehicle was not seized from the petitioner/accused and after a long gap, when the petitioner/accused applied for passport, he came to know about the FIR registered by the police against him. According to him, all the allegations made in the FIR are totally false and therefore, has filed the present petition.

4. Per contra, Mr.M.Sakthi Kumar, learned Government Advocate (Crl. Side) would contend that the investigation in the instant case is already completed and since the vehicle has not been seized from the present petitioner/accused, they are unable to file the final report before the concerned jurisdictional Magistrate Court. His specific contention is that the petitioner himself admitted that he was in possession of 10 bottles of liquor and as per the version of the police, he was in possession of 80 bottles.

5. It is seen that the petitioner/accused had himself admitted the occurrence that took place on 08.05.2021. The version of the police is that they found the petitioner/accused in possession of 80 liquor bottles each containing 180 ml of Copper Brandy and the same were seized under a Seizure Mahazar and were destroyed in the place of occurrence. On the



Crl.O.P.(MD) No.16012 of 2021

other hand, the contention of the petitioner/accused is that he was in possession of only 10 bottles of liquor and that too for his own use. The learned Government Advocate (Crl. Side) appearing for the respondent police filed photographs showing the petitioner/accused with his car and several bottles of liquor are found inside the car. However, it is for the prosecution to establish their case and the accused can always nullify the case of the prosecution by adducing sufficient evidence during trial of the case.

6. In the facts and circumstances of the case, I do not find any reason to quash the FIR especially when the occurrence was admitted by the petitioner/accused himself. Accordingly, this Criminal Original Petition is dismissed as devoid of merits. Consequently, connected Miscellaneous Petition is closed.

10.01.2024

Index: Yes/ No
Neutral Citation: Yes / No
Speaking Order / Non-Speaking Order
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Crl.O.P.(MD) No.16012 of 2021

To

WEB COPY

The Inspector of Police,
PEW – Thiruverumbur,
Trichy District.



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Crl.O.P.(MD) No.16012 of 2021

R.HEMALATHA, J.

JEN

Crl.O.P.(MD) No.16012 of 2021
and Crl.M.P.(MD) No.8561 of 2021

10.01.2024