



Crl.O.P.(MD) No.19792 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.02.2024

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THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CRL.O.P (MD) No.19792 of 2023

V.Nehru

...Petitioner

VS

**1.The Inspector of Police,
Vengamedu Police Station,
Karur District.
Crime No.494 of 2021**

**2.The Sub Inspector of Police,
Vengamedu Police Station,
Karur District.**

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying, to call for the records relating to the impugned Charge Sheet in STC.No.2452 of 2023 pending on the file of the learned Judicial Magistrate No.I, Karur and quash the same.

**For Petitioner : Mr.N.Marimuthu
For Respondents : Mr.B.Thanga Aravindh
Government Advocate (Crl.side)**



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ORDER

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The learned Counsel for the Petitioner submits that the Petitioner is the sole accused in STC.No.2452 of 2023 pending on the file of the learned Judicial Magistrate Court No.I, Karur. It is his submission that the Petitioner had filed this Petition seeking to quash the final report in STC.No.2452 of 2023 on the ground of limitation.

2.The learned Counsel for the Petitioner invited the attention of this Court to the FIR in Crime No.494 of 2021 on the file of the first Respondent registered for the offences under Sections 4(1)(a) and 4(1-A) of the Tamil Nadu Prohibition Act. After the investigation, the final report was laid against the accused for the offence under Section 4(1)(a) of the Tamil Nadu Prohibition Act. It is his further contention that for the offence under Section 4(1)(a) of the Tamil Nadu Prohibition Act, the final report ought to have been filed within 6 months. Instead, it was filed after two years as per the seal on the final report. Therefore, invoking the powers of this Court under Section 468 Cr.P.C., the Petitioner seeks to quash the charge sheet as it is not maintainable.



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3.The learned Government Advocate (Crl.side), on instructions of the Respondents, submits that the Petitioner has 11 previous cases. What had been stated by the learned Counsel for the Petitioner is to be treated as valuable defense that he has to exercise only during trial. He would further submit that this Petition lacks merit and it has to be dismissed.

4.Whether the final report filed by the first Respondent, which was taken on file as STC.No.2452 of 2023 on the file of the learned Judicial Magistrate Court No.I, Karur, is to be quashed?

5.Considering the submissions of the learned Counsel for the Petitioner and the learned Government Advocate (Crl.side), even though the FIR was registered for the offence under Sections 4(1)(a) and 4(1-A) of the Tamil Nadu Prohibition Act, after completion of the investigation, the final report was laid only for the offence under Section 4(1)(a) of the Tamil Nadu Prohibition Act, which is punishable with fine alone.



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period of limitation. Therefore, this Criminal Original Petition is allowed.

The charge sheet in STC.No.2452 of 2023 pending on the file of the learned Judicial Magistrate Court No.I, Karur is hereby quashed.

Internet: Yes./No
Index: Yes/No
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12.02.2024

To

- 1.The Inspector of Police,
Vengamedu Police Station,
Karur District.
- 2.The Sub Inspector of Police,
Vengamedu Police Station,
Karur District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SATHI KUMAR SUKUMARA KURUP, J.

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