



Crl.O.P.(MD)No.20466 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.11.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.20466 of 2024
and Crl.M.P(MD) No.12647 of 2024

N.Chandran

... Petitioner

Vs

1. The State of Tamil Nadu,
Rep by the Inspector of Police,
Prohibition Enforcement Wing,
Madurai City Police Station,
Madurai District.

2. K.Selvakannan

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, 2023, to call for the records pertaining to the case in Crime no.548 of 2024 on the file of the 1st respondent police and to quash the same in so far as the Petitioner/Accused.

For Petitioner : Mr.P.Mahendran

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



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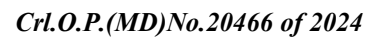
ORDER

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This Criminal Original Petition has been filed to quash the FIR in Crime No.548 of 2024, pending on the file of the 1st respondent Police.

2. The case of the prosecution is that on 05.05.2024, at about 11.00 a.m., the 2nd respondent, Special Sub Inspector of Police, while he was on patrol duty, he noticed the petitioner and on suspicion he made a search on him and he found that the petitioner was in possession of 180 ml Express Brandy 12 bottles in his two wheeler without any valid licence and permission along with cash of Rs.600/-. Thereafter, the 2nd respondent lodged a complaint, based on which, a case in Crime No.548 of 2024, for 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, 1937 and the offence under the Indian Penal Code. The



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



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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 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 2.16 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>
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<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>

6. In view of the above, this Criminal Original Petition is allowed and the FIR in Crime No.548 of 2024 on the file of the 1st respondent Police is hereby quashed. Consequently, the connected Criminal Miscellaneous Petition is closed.

25.11.2024

NCC : Yes / No
Index : Yes / No
PNM

To

1. The Inspector of Police
Prohibition Enforcement Wing,
Madurai City Police Station,
Madurai District.

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



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M.NIRMAL KUMAR, J.

PNM

Order in
Crl.O.P.(MD)No.20466 of 2024
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