



CrI.O.P.(MD) No.23510 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.01.2024

CORAM

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CRL.O.P (MD) No.23510 of 2023

and

CrI.M.P.(MD)Nos.18293 and 18295 of 2023

Senthilvelavan

...Petitioner

vs

**1.The State represented by its
the Inspector of Police,
Prohibition and Enforcement Wing (PEW),
Ramanathapuram.
(Cr.No.713 of 2022)**

**2.S.Komathi
Inspector of Police,
Prohibition and Enforcement Wing (PEW),
Ramanathapuram.**

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying, to call for the records pertaining to the above impugned charge sheet impugned charge sheet in C.C.No.111 of 2023 on the file of the learned District Munsif cum Judicial Magistrate Court, Rameshwaram, Ramanathapuram District and quash the same insofar as this petitioner/Accused No.20 is concerned.



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Crl.O.P.(MD) No.23510 of 2023

For Petitioner : Mr.B.Jameelarasu
For R1 : Mr.B.Thanga Aravindh
Government Advocate (Crl.side)

ORDER

This Criminal Original Petition had been filed to quash the charge sheet in C.C.No.111 of 2023 pending on the file of the learned District Munsif-cum-Judicial Magistrate Court, Rameshwaram, Ramanathapuram District.

2.The learned Counsel for the Petitioner submitted that the Petitioner is a physically challenged person. Originally, in the FIR, his name was not found. It is his further submission that all the accused in this case are employees of TASMACH shop bearing Shop Nos.7013 and 7014. The Petitioner was included as an accused based on the confession statement of one of the accused/A1, who was arrested by the Police. It is his further submission that the case had been registered, as though they had misused their status as employees of TASMACH shop indulged in illegal sales of alcohol.



Crl.O.P.(MD) No.23510 of 2023

3.The learned Government Advocate (Crl.side) by way of reply submitted that the accused alleged to have sold alcohol in retail in the prohibited place of Rameshwaram Island. Therefore, he vehemently objected to quash the charge sheet. The learned Government Advocate (Crl.side) submitted that it is not a fit case for quash. The submission of the learned Counsel for the petitioner has to be considered only as a valuable defence available before the trial Court and not at this stage for quashing the charge sheet. Further, he would submit that the co-accused in this case had preferred Crl.O.P.(MD)No.15413 of 2022, which was dismissed on 12.09.2022. Therefore, he seeks indulgence of this Court to dismiss this petition and the petitioner may face the trial.

4.On consideration of the rival submissions, it is found that the petitioner had been arrested based on the confession of a co-accused. The learned Government Advocate (Crl.side) had stated that the accused are all employees of TASMACH shop and they had indulged in illegal sale of alcohol at higher price in retail in the prohibited area of Rameshwaram Island. On perusal of the charge sheet, the same cannot be considered as a false or fictitious. Considering the vehement objections of the learned



Crl.O.P.(MD) No.23510 of 2023

Government Advocate (Crl.side), it is not a fit case for quashing the charge sheet. The accused may be directed to face trial. The submission of the learned Counsel for the petitioner is found valuable defence available to the petitioner before the trial Court and the same cannot be taken as a ground to quash the charge sheet before this Court.

In the light of the above, this ***Criminal Original Petition*** is dismissed. The learned trial Judge is directed to proceed with the case and dispose of the case as early as possible. If any petition is filed by the petitioner (A20) for exemption from personal appearance, the learned trial Judge may pass appropriate orders considering the disability of the petitioner. Consequently, connected miscellaneous petitions are closed.

Internet: Yes./No
Index: Yes/No
cmr

02.01.2024



Crl.O.P.(MD) No.23510 of 2023

To

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1.The District Munsif cum Judicial Magistrate,
Rameshwaram, Ramanathapuram District.

2.The Inspector of Police,
Prohibition and Enforcement Wing (PEW),
Ramanathapuram.



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Crl.O.P.(MD) No.23510 of 2023

SATHI KUMAR SUKUMARA KURUP, J.

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CRL.O.P (MD) No.23510 of 2023

02.01.2024