



Crl.O.P.(MD)No.1701 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.01.2025

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.1701 of 2025
and Crl.M.P(MD) No.1184 of 2025

Manikumar

... Petitioner

Vs

1. The State of Tamilnadu,
Rep by the Inspector of Police,
PEW-Madurai City Police Station,
Madurai.
Crime No.899 of 2024.

2. Sundarapandiyan

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, 2023, to call for the records pertaining to the case in Crime no.899 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.E.Naveen Kumar

For Respondents : Mr.K.Sanjai Gandhi (R1)
Government Advocate (Crl.Side)



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ORDER

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This Criminal Original Petition has been filed to quash the FIR in Crime No.899 of 2024, pending on the file of the 1st respondent Police.

2. The case of the prosecution is that on 22.12.2024, the 2nd respondent, Sub Inspector of Police, while he was on patrol duty, he noticed the petitioner and other accused persons on suspicion and he made a search on them and he found that the accused persons were found in possession of 750 ml liquor in 9 bottles without any valid licence. Thereafter, the 2nd respondent lodged a complaint, based on which, a case in Crime No.899 of 2024, for offence under Sections 4(1) (A), 4(1)(C) and 14A of the Tamil Nadu Prohibition Act, was registered against the petitioner and others.

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 allegations made in the FIR are so absurd and inherently improbable, on



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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 personal use, but in the present case, all the accused persons (totally three persons) were found in possession of 750 ml in 9 bottles, ie., 6750ml 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 Government Advocate (Crl.Side) 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.



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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, totally three accused persons were found in possession of 6.750 litres, so far as petitioner is concerned, he was in possession of 2.250 litres only.

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.899 of 2024 on the file of the 1st respondent Police is hereby quashed. Consequently, the connected Criminal Miscellaneous Petition is closed.

29.01.2025

NCC : Yes / No
Index : Yes / No
PNM

To

1. The Inspector of Police,
PEW-Madurai City Police Station,
Madurai. Crime No.899 of 2024.

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



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M.NIRMAL KUMAR, J.

PNM

Order in
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and Crl.M.P(MD) No.1184 of 2025

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