



Crl.O.P.(MD)No.2188 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.02.2025

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

Crl.O.P.(MD)No.2188 of 2025

and

Crl.M.P(MD)No.1527 of 2025

P.Durairaj

... Petitioner/Sole Accused

Vs.

1.State represented by its
The Inspector of Police,
Manachanallur Police Station,
Trichy District.

...1st Respondent/Complainant

2.Mahesh Kumar,
S/o.Not known,
Manachanallur Police Station,
Trichy District.
Cr.No.303 of 2024.

...2nd Respondent/Defaco Complainant

PRAYER: Criminal Original Petition has been filed under Section 482 of Cr.P.C., under Section 528 BNSS (under Section 482 of Cr.P.C.,) to call for the records in FIR in crime No.303 of 2024 on the file of the respondent police and quash the same.



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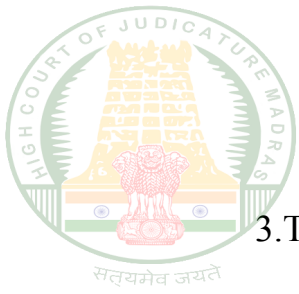
Crl.O.P.(MD)No.2188 of 2025

For Petitioner : Mr.N.Ananda Kumar
For Respondents : Mr.M.Sakthi Kumar
Government Advocate(Crl.side)

ORDER

This Criminal Original Petition has been filed by the petitioner to quash the FIR in Crime No.303 of 2024, for the punishable offences under Sections 4(1)(C) and 4(1)(A) of the Tamil Nadu Prohibition (Amendment) Act, 2024.

2.The case of the prosecution is that the Special Sub Inspector attached to the respondent police, on a secret information, he conducted surveillance duty near Mela Sridevimangalam at the time found that one person was standing with a white colored gunny bag in a suspicious manner and when he was questioned by the respondent, he attempted to escape and thereafter, he was arrested by the police. While conducting search, they found 27 bottles of Mclene brandy 180 ml each and 3 bottles of Black Pearl brandy 180 ml each and thereafter, the case was registered in Crime No.303 of 2024 for the offences under Sections 4(1)(c) and 4(1)(A) of the Tamil Nadu Prohibition (Amendment) Act, 2024.



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3.The learned Counsel appearing for the petitioner submits that the petitioner is an innocent and he has been falsely implicated in this case. There are no evidence to constitute the offences under Section 4(1)(C) and 4(1)(A) of the Tamil Nadu Prohibition (Amendment) Act, 2024. Hence, he prayed to allow the petition.

4.The learned Government Advocate(Crl.side) appearing for the respondents submit that while the police were in duty, they found a person standing in a suspicious manner and they enquired the petitioner and found that the petitioner was in illegal possession of the liquor and thereby, FIR was registered in Crime No.303 of 2024, for the offences under Sections 4(1)(C) and 4(1)(A) of the Tamil Nadu Prohibition (Amendment) Act, 2024 and now the case is under investigation. He further submitted that 6 previous cases are pending against the petitioner.

5.This Court has carefully considered the submissions made on either side and perused the materials available on records.

6.According to the petitioner, the respondent police have registered a false case alleging that the petitioner was found in illegal possession of liquor.



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It is an admitted fact that the respondent is also enquiring the case and the same is still pending. While so, the investigation cannot be curtailed by this Court without any strong materials. This Court has also perused the FIR and as per FIR, there are some allegations to constitute the offences and thereby, it is not appropriate to consider the prayer of the petitioner at this stage. However, the petitioner is at liberty to challenge the final report if any filed as against the petitioner, in the manner known to law.

7. With the above said observations, this Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petition is also closed.

17.02.2025

Internet: Yes/No
Index: Yes/No
RJR

To

1. The Inspector of Police,
Manachanallur Police Station,
Trichy District.

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



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P.DHANABAL, J.

RJR

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