



Crl.O.P.(MD)No.2030 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :07.03.2025

CORAM :

THE HON'BLE MR.JUSTICE P. DHANABAL

Crl.O.P.(MD)No.2030 of 2025

and

Crl.M.P.(MD) No.1378 of 2025

Rajkumar @ Raja

... Petitioner

Vs.

1. The State of Tamil Nadu,
Represented by the Inspector of Police,
Thoothukudi North Police Station,
Thoothukudi District.
Crime No.328 of 2024.

2. Balamurugan,
Special Sub Inspector of Police,
Thoothukudi North Police Station,
Thoothukudi District.

... Respondents

Prayer : Criminal Original Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records relating to the impugned F.I.R in Crime No.328 of 2024 pending on the file of the Thoothukudi North Police Station, Thoothukudi District / 1st respondent and quash the same in so far as the petitioner concern.



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For Petitioner : Mr.S.Vishnuvardhan

For Respondents : Mr.M.Vaikkam Karunanithi
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed by the petitioner / Accused No.1 to quash the F.I.R. in Crime No.328 of 2024 on the file of the first respondent police.

2. The learned counsel appearing for the petitioner would submit that the respondent police lodged a false case as against the petitioner in Crime No.328 of 2024 for the offences under Sections 4(1)(A) of the Tamil Nadu Prohibition (Amendment) Act, 2024, alleging that A2 in this case had illegal possession of illicit liquor bottles and based on his confession, the petitioner was arrayed as an accused. In fact, no any nexus between A2 and the petitioner and he has license to sell the liquor in the bar. While so, without any basis, the respondent police registered the F.I.R by including the name of the petitioner and no liquor bottles were recovered from the petitioner. Therefore, the pending F.I.R is liable to be quashed.

3. The learned Government Advocate (Criminal Side) appearing for the first respondent would submit that when the respondent police were on



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patrol duty on 02.12.2024, they found that A2 on his two wheeler, was in possession of 24 numbers of 180 ml Golden Choice Bottles without any valid license or permission and he was also in possession of Rs.1000/-, and he confessed that he purchased the above said liquor bottles from the petitioner. Thereafter, they registered a case in Crime No.328 of 2024 and the same is under investigation. Therefore, the petitioner has to face the trial and at this stage, the present F.I.R cannot be quashed.

4. Heard the learned counsels on both sides and perused the materials.

5. Admittedly, A2 was in possession of 24 numbers of 180 ml brand bottles without any valid license and based on his confession, the petitioner has been arrayed as an accused. Even as against the second accused, the above said quantity is permissible as per G.O.No.14, H.P & EVI Department, dated 09.06.2017. Since the petitioner was arrayed as accused only based on the confession of the co-accused, who had possession of permitted quantity and no any liquor bottles were recovered from the petitioner, the pending F.I.R is nothing but an abuse of process of law. Therefore, the pending F.I.R as against the petitioner is liable to be quashed.

6. In the light of the above said observations and discussions, this



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Criminal Original Petition is allowed and the F.I.R. registered in Crime No. 328 of 2024 on the file of the first respondent police is quashed as against the petitioner. Consequently, connected criminal miscellaneous petition is closed.

07.03.2025

NCC : Yes / No

Index : Yes / No

Internet : Yes

Mac

To

1. The Inspector of Police,
Thoothukudi North Police Station,
Thoothukudi District.

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



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P. DHANABAL, J.

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