



CRL.OP(MD) NO.1948 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 06.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE P.DHANABAL

CRL. O.P(MD) No.1948 of 2025

and

CRL MP(MD)No.1325 of 2025

Rajkumar @ Raja

... Petitioner/Accused No.1

vs.

1.State of Tamil Nadu
rep. by the Sub Inspector of Police,
Thoothukudi North Police Station,
Thoothukudi.
(Cr.No.363 of 2024)

2.Vadivel

... Respondents

PRAYER: Criminal Original Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 to call for the records pertaining to the First Information Report in Crime No.363 of 2024 on the file of the first respondent police and quash the same in so far as the petitioner is concerned.

For petitioner : Mr.S.Vishnuvardhan

For Respondents : Mr. R.M.Anbunithi
Additional Public Prosecutor for R1



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CRL.OP(MD) NO.1948 of 2025

ORDER

This petition has been filed by the petitioner to quash the First Information Report in Crime No.363 of 2024 on the file of the first respondent police.

2. According to the petitioner, the first respondent police falsely foisted the case for the offences under Sections 4(1)(A) and 4(1)(C) of the Tamil Nadu Prohibition (Amendment) Act, 2024, alleging that the petitioner had possessed 24 numbers of 180 ml brandy bottles. As per G.O.Ms.No.14, HP & EVI Department, dated 09.06.2017 passed by the Government, the permitted quantity is 4.5 litres. But, in the case on hand, the quantity is less than the permitted quantity. Therefore, the pending FIR is liable to be quashed.

3. The learned Additional Public Prosecutor would submit that on 02.10.2024, the petitioner was in possession of 24 numbers of 180 ml brandy bottles, without any valid licence. Hence, the case was registered in Crime No.363 of 2024 for the offences under Sections 4(1)(A) and 4(1)



CRL.OP(MD) NO.1948 of 2025

(C) of Tamil Nadu Prohibition (Amendment) Act, 2024. Further, he fairly admitted that as per G.O.Ms.No.14, HP & EVI Department, dated 09.06.2017, a person can carry maximum 4.5 litres of Indian made foreign spirits lawfully for personal use. Since the petitioner was in possession of permitted quantity of liquor and the same is also not disputed by the first respondent police, it is appropriate to quash the proceedings pending against this petitioner.

4. In view of the abovesaid discussions, this Court is inclined to quash the pending FIR as against this petitioner in Cr.No.363 of 2024 on the file of the first respondent police.

5. Accordingly, this Criminal Original Petition is allowed and the FIR in Cr.No.363 of 2024 on the file of the first respondent police is quashed. Consequently, connected miscellaneous petition is closed.

06.02.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
apd



CRL.OP(MD) NO.1948 of 2025

To

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- 1.The Sub Inspector of Police,
Thoothukudi North Police Station,
Thoothukudi
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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CRL.OP(MD) NO.1948 of 2025

P.DHANABAL,J

apd

CrI.OP(MD) No.1948 of 2025

06.02.2025