



Crl.O.P.(MD) No.10581 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.09.2025

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD) No.10581 of 2025

and

Crl.M.P.(MD) No.7953 of 2025

1.Vikneshraja

2.Vijay

3.Esakkiraj

4.Mahesh

... Petitioners

Vs.

1.The State of Tamil Nadu

Rep. by the Inspector of Police,
PEW Police Station,
Tirunelveli City.
Crime No.14 of 2025

2.Rajadurai,

Special Sub Inspector of Police,
PEW Police Station,
Tirunelveli City.

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of Bharathiya Nagarik Suraksha Sanhita, 2023 to call for the records pertaining to the FIR in Crime No.14 of 2025 on the file of the first respondent dated 06.04.2025 and quash the same.



Crl.O.P.(MD) No.10581 of 2025

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For Petitioners : Mr.C.Saravanakumar

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

ORDER

This Criminal Original Petition has been filed to quash the FIR in Crime No.14 of 2025 on the file of the first respondent police, registered for the offences punishable under Sections 4(1)(A) and 14(A) of the Tamil Nadu Prohibition (Amendment) Act, 2024.

2. The allegation against the first two petitioners is that on 06.04.2025 at about 01:00 p.m., during the vehicle check up, they were found in possession of 10 bottles of IMFL Original Choice 750 ml Brandy and had thereafter confessed that they had purchased the same from the third and fourth petitioners.

3. The learned counsel for the petitioners would submit that only the first petitioner's name has been mentioned in the FIR, though both the first and second petitioners were found in possession of 10 bottles of IMFL Original Choice 750 ml Brandy, were arrested together, remanded,



Crl.O.P.(MD) No.10581 of 2025

and later jointly applied for and obtained bail three days thereafter. He would further submit that such possession would not amount to any offence, since each of them is entitled to carry 4.5 liters of alcohol for personal consumption and rely upon the Tamil Nadu Liquor (Possession for Personal Consumption) Rules, 1996, as amended on 09.06.2017.

4. The learned Government Advocate (Criminal Side) for the first respondent, on instructions, would submit that though both the first and second petitioners were arrested for carrying 10 bottles of IMFL Original Choice 750 ml Brandy and were remanded on the same day, the name of the second petitioner was inadvertently not mentioned in the FIR; and that the third and fourth petitioners were arrayed as accused on the basis of the confession of the first and second petitioners. The learned Government Advocate (Criminal Side) for the first respondent would confirm that the petitioners had no bad antecedents.

5. In light of the fact that first and second petitioners were in possession of 7.5 liters of IMFL Original Choice Brandy (750 ml $\times$ 10 bottles), it has to be construed that each of them was in possession of 3.75 liters of IMFL Original Choice Brandy. Rule 2 of the Tamil Nadu Liquor



Crl.O.P.(MD) No.10581 of 2025

(Possession for Personal Consumption) Rules, 1996, as amended on

09.06.2017, reads as follows:

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 sub- section (i) of Section 4 of the 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

1 TABLE

Amended vide G.O.(MS) No.14, H.P&EVI Department , dated 09.06.2017.

<i>Liquor (1)</i>	<i>Quantity (in Litres) (2)</i>
<i>(1) Indian made Foreign Spirits</i>	<i>4.5</i>
<i>(2) Foreign Liquor</i>	<i>4.5</i>
<i>(3) Beer</i>	<i>7.8</i>
<i>(4) Wine</i>	<i>9.0</i>

6. Since each of the first and second petitioners was in possession of a permissible quantity of IMFL Original Choice Brandy for their personal consumption, the impugned prosecution cannot be sustained. It is also seen that the petitioners had no bad antecedents. Therefore, this Court is inclined to quash the FIR. Accordingly, the impugned FIR is quashed.



Crl.O.P.(MD) No.10581 of 2025

WEB COPY

7. In the result, this Criminal Original Petition is allowed.

Consequently, the connected Miscellaneous Petition is closed.

11.09.2025

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Index: Yes/ No

Neutral Citation: Yes / No

Speaking Order / Non-Speaking Order

Copy To:

- 1.The Inspector of Police,
PEW Police Station,
Tirunelveli City.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl.O.P.(MD) No.10581 of 2025

SUNDER MOHAN, J.

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Crl.O.P.(MD) No.10581 of 2025

11.09.2025