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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.12.2025

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl. O.P(MD) No. 13219 of 2024
and
Crl.MP(MD)No.8126 of 2024

1.Ganeshan

2.Balasubramani

... Petitioners/Accused No.2 & 3

Vs

1. The State of Tamil Nadu,
Rep by the Inspector of Police,
Rajathani Police Station,
Theni District.
(Crime No.132 of 2024)

... Respondent No.1/De-jure
Complainant

2. M.Kannan

... Respondent No.2/Defacto
Complainant

PRAYER: Criminal Original Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, to call for the entire records connected with the impugned FIR in Crime No.132 of 2024 on the file of the Respondent No.1 and quash the same as illegal.

For petitioners :Mr.R.Alagumani

For R1 : Mr.S.Ravi
Additional Public Prosecutor

For R2 : No Appearance



ORDER

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This criminal original petition has been filed to quash the impugned FIR in Crime No.132 of 2024 on the file of the first respondent police.

2. The learned counsel for the petitioners submitted that the petitioners are the salesman in TASMACH Shop No.8502. The prosecution case is that on 11.06.2024 at 11:30 am, secret search was conducted at Pitchampatty Village, which resulted in the alleged arrest of accused No.1. On the basis of his confession, The petitioners herein were arrayed as accused No.2 & 3 for selling more liquor than the mandated quantity to a single person.

3. By careful relying upon the ***GO.Ms.No.14, Home, Prohibition and Excise (VI) Department, dated June 9, 2017***, the learned counsel for the petitioner submitted that the permissible limit of beer for a single person is 7.8 litres. In the instant case, it is 15.6 litres (24 numbers of 650 ml beer bottles). Being salesman they cannot be diligently watchful in a rush of consumers about the number of litres.



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4. He further submitted that though the first accused has been arrested for the possession of 15.6 liters of liquor, nothing in the FIR would substantiate the fact that it was purchased in a single slot by a single person from the above-said shop. Hence, he prayed to allow this petition.

5. The learned Additional Public Prosecutor appearing for the respondent police vehemently contended that the petitioners sold 24 numbers of 650 ml beer bottles (15.6 liters) to A1 beyond the limit and the same is violation of ***GO.Ms.No.14, Home, Prohibition and Excise (VI) Department, dated June 9, 2017*** and this is not permissible by law. Hence, he sought for dismissal of the petition.

6. This Court carefully considered the submissions made on either side and also perused the materials available on record.

7. As rightly pointed out by the learned counsel for the petitioners, instant case under Section 4(1)(a) of the Tamil Nadu Prohibition Act, would not be made out as against the petitioners herein when there is no circumstance to show in the FIR that the petitioners have sold prohibited quantity of beer to a single person in a single slot. Hence, the FIR registered against the petitioners is liable to be quashed.



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8. Accordingly, the impugned FIR in Crime No.132 of 2024 on the file of the first respondent police, is hereby set aside and the Criminal Original Petition is allowed. Consequently, the connected miscellaneous petition is closed.

05.12.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
dss

To

1. The Inspector of Police,
Rajathani Police Station,
Theni District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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L.VICTORIA GOWRI,J

dss

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