



CRL OP(MD). No.16134 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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(Criminal Jurisdiction)

Date : 21.11.2025

PRESENT

THE HON'BLE MRS JUSTICE S.SRIMATHY

**CRL OP(MD)No.16134 of 2023
and CRL MP(MD).Nos.12834 & 12835 of 2023**

V.Ramesh

... Petitioner/ 2nd Accused
Vs

1. The State of Tamil Nadu
Represented by The Inspector of Police,
Prohibition Enforcement Wing,
Uthamapalayam, Theni District.
(Crime No.534 of 2018)

2. Raja ... Respondents/Complainants

For Petitioner : Mr.N.Ananthapadmanabhan
Senior counsel
For Mr. P.Saravanan

For R1 : Mr.A.S.Abul Kalaam Azad
Government Advocate (Crl.Side)

For R2 : No appearance



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PRAYER:- This Criminal Original Petition has been filed under Section 482 of Cr.P.C., to call for the records in connection with the impugned charge sheet in C.C.No.274 of 2020 pending trial on the file of the learned Judicial Magistrate, Uthamapalayam, and quash the same in so far as the petitioner alone.

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed to call for the records in C.C.No.274 of 2020 on the file of the learned Judicial Magistrate, Uthamapalayam and the quash the same.

2. The prosecution case is that the first respondent police, along with the Special Team, conducted a search at the premises of *Thaai Manamakil Mandram* situated at Kamatchipuram Village, Theni District. At the time of the search, a white-colour TATA Sumo car bearing Registration No. TN-38-B-7616 entered the said premises, and certain carton boxes were unloaded from the vehicle. Upon verification of the carton boxes by the Special Team police, duplicate liquor bottles were found. Based on the complaint lodged by the second respondent, a case



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was registered in Crime No.534 of 2018 for offences under Sections 7(i) and 4(1)(a) of the Tamil Nadu Prohibition Act (Transport) and Section 24 of the Tamil Nadu Prohibition Act read with Sections 486 and 487 of the IPC against the petitioner and others. Upon completion of the investigation, a final report was filed before the Judicial Magistrate, Uthamapalayam, and the same was taken on file as C.C.No. 274 of 2020.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and has not committed any offence as alleged by the prosecution. It was further submitted that the petitioner has been running a recreation club namely *Thaai Manamakil Mandara*, situated at Kamatchipuram Village, Uthamapalayam, Theni District. The petitioner has been running the said club strictly in accordance with all rules and regulations for the past twelve years, without giving any room for complaint. In such circumstances, the second respondent is stated to have conducted a surprise inspection and filed a report alleging that the petitioner was selling duplicate liquor bottles in the recreation club. It was further submitted that the petitioner is the owner and license holder



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of the club and that, at the time of the alleged surprise inspection, the petitioner was not present at the place of occurrence. The learned counsel further contended that the petitioner has been falsely implicated in the case solely on the basis of the alleged confession of A1. Hence, the learned counsel prayed that this petition may be allowed.

4. The learned Government Advocate (Crl.Side) submitted that the petitioner along with other accused persons had illegally transported duplicate liquor bottles without any permission. Further, the investigation has been completed and the charge sheet has also been filed in C.C.No. 274 of 2020 on the file of the Judicial Magistrate, Uthamapalayam.

5. It is seen that the 6th accused namely Kanagu @ Kanagasabapathy had filed Crl.O.P.(MD)No.13249 of 2020 to quash the same impugned C.C.No.272 of 2020 and this Court has quashed the same as far as the 6th accused is concerned. The Court has held that the 6th accused was implicated based on the confession of the co-accused A1, hence the Court had quashed. The relevant portion of the order is extracted hereunder:



“6. The case of the prosecution is that on 02.08.2018, the respondent police received the secret information regarding the sales of spurious liquor bottles. Hence, they made a search in Tai Recreation Club run by A2. The same was managed by A1. At the time of inspection, A1 and A4 were arrested and thereafter on the basis of the confession, remaining accused were added as accused. This Court while perusing the records, found that only available material against the petitioner is the confession of the co-accused. Even in the said confession of A1, it is stated that he supplied 6 liquor bottles to A2's Tai Recreation Club. Except that no material is found against the petitioner. In the said circumstances, as held by the Hon'ble Supreme Court in the judgment reported in 2019 16 SCC 547 and unreported judgment of this Court Crl.R.C.No.37 of 2021 and Crl.O.P.(MD).No.4474 of 2012, the Court has no jurisdiction to frame the charges against the petitioner only on the basis of the confession of the co-accused. In this case, no sufficient material is available against the petitioner except the confession of the co-accused that he had supplied 6 liquor bottles and hence, this Court is inclined to quash the proceedings as against the petitioner.

7. Accordingly, this Criminal Original Petition stands allowed and the proceedings in C.C.No.274 of 2020, on the file of the learned Judicial Magistrate, Uthamapalayam is hereby quashed against the petitioner alone. Consequently, connected Miscellaneous Petitions are closed.”

6. As far as petitioner / A2 is concerned the petitioner is the owner of the Tai Recreation Club and he was running the club after obtaining license, further he was running as per rules and regulations prescribed thereunder and had not violated the same. A1 and A4 were arrested who



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were present at the time of occurrence and the A2 was not present at the time of occurrence and he was implicated based on the confession of A1 and A4. The charge sheet was quashed as far as A6 is concerned, since he was implicated based on the confession of A1 and A4. The A2 was also implicated based on the confession of A1 and A4, hence following the order passed in the case of 6th accused namely Kanagu @ Kanagasabapathy, this Court is inclined to quash the C.C.No.274 of 2020 as far as the petitioner / A2 is concerned.

7. Accordingly, the C.C.No.274 of 2020 is quashed as far as A2 / petitioner based on the reasons stated supra. No costs. Consequently, connected Miscellaneous Petitions are closed.

(S S Y J)

21.11.2025

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To
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1. The learned Judicial Magistrate,
Uthamapalayam.
2. The Inspector of Police,
Prohibition Enforcement Wing,
Uthamapalayam,
Theni District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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S.SRIMATHY,J.

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**ORDER
IN
CRL OP(MD)No.16134 of 2023
and CRL MP(MD).Nos.12834 & 12835 of 2023**

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