



CRL OP(MD). No.16714 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated : 13/10/2025

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THE HONOURABLE MR. JUSTICE SUNDER MOHAN

CRL OP(MD). No.16714 of 2025

and

CrI.M.P(MD).Nos.13645 and 13647 of 2025

Thiruppathiraja,

... Petitioner

Vs

1. The State of Tamil Nadu,
Rep. by Its, the Inspector of Police,
Watrap Police Station,
Virudhunagar District.
Crime No.123 of 2021..

2. The Sub Inspector of Police,
Watrap Police Station,
Virudhunagar District..

... Respondents

PRAYER :- Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records and quash the Charge Sheet pending on the file of the District Munsif cum Judicial Magistrate Court, Watrap, in STC.No.49 of 2025.

For Petitioner : Mr.K.Sudalaiyandi,



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For Respondent : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor

ORDER

The petitioner seeks to quash the Charge Sheet in STC.No.49 of 2025, on the file of the District Munsif cum Judicial Magistrate Court, Watrap, for the offences under Sections 4(1)(b) and 4(1)(g) of Tamil Nadu Prohibition Act, 1937.

2. The allegation in the final report is that the petitioner had illegally sold liquor, during the COVID period, when the Government run shops were closed and thus committed the aforesaid offences.

3. The learned counsel for the petitioner would submit that the offence under Section 4(1)(b) of Tamil Nadu Prohibition Act, 1937 is punishable with a maximum sentence of three years imprisonment imprisonment with fine not exceeding Rs.10,000/- (Rupees Ten Thousand only); that the offence under Section 4(1)(g) of Tamil Nadu Prohibition Act, 1937, is punishable with a maximum sentence of three months imprisonment with fine not exceeding Rs.1000/-; and that the



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limitation for filing the final report would be three years as per Section 468(2)(b) Cr.P.C. He would further submit that the alleged occurrence is said to have taken place on 31.05.2021 and the final report was filed after the expiry of the limitation period, and hence, is barred by limitation.

4. The learned Additional Public Prosecutor, on instructions, would fairly submit that the final report was filed on 05.02.2025 and that the respondents police have not filed any petition under Section 473 Cr.P.C to condone the delay. He would further submit that the petitioner had sought for quashing of the FIR in CrI.O.P(MD).No.4293 of 2024 and this Court by order dated 18.04.2024 had directed the respondent police to file the final report within a period of three months from the date of receipt of a copy of that order.

5. The petitioner is alleged to have been committed the offences under Section 4(1)(b) and 4(1)(g) of Tamil Nadu Prohibition Act, 1937. There is an amendment in the year 2024 by which punishment for the offence under Section 4(1)(b) of Tamil Nadu Prohibition Act, 1937 has been enhanced to seven years and that for the offence under Section 4(1)



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(g) of Tamil Nadu Prohibition Act, 1937, it has been enhanced to three years. At the time of the commission of the offence, the punishment prescribed for the offence under Section 4(1)(b) of Tamil Nadu Prohibition Act, 1937 was three years imprisonment with fine not exceeding Rs.10,000/- and for the offence under Section 4(1)(g) of Tamil Nadu Prohibition Act, three months imprisonment with fine not exceeding Rs.1000/-.

6. It is also seen that the respondent police have not complied with the direction of this Court passed in Cr.O.P(MD).No.4293 of 2024 dated 18.04.2024 by filing the final report within a period of three months from the date of receipt of a copy of that order.

7. The respondents ought to have filed the final report within a period of three years. Admittedly, the respondent filed the final report beyond the period of three years. They had not filed any petition under Section 473 Cr.P.C. The police have no justifiable reason for the delay in filing the final report. Hence, this Court is of the view that the impugned proceedings is barred by limitation and therefore, the



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impugned prosecution is liable to be quashed. Accordingly, Charge Sheet in STC.No.49 of 2025. on the file of the District Munsif cum Judicial Magistrate Court, Watrap is quashed and this Criminal Original Petition is allowed. Consequently, connected miscellaneous petitions are closed.

13.10.2025

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TO

1. The District Munsif cum Judicial Magistrate Court,
Watrap.
2. The State of Tamil Nadu,
Rep. by Its, the Inspector of Police,
Watrap Police Station,
Virudhunagar District.
3. The Sub Inspector of Police,
Watrap Police Station,
Virudhunagar District..
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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SUNDER MOHAN,J

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**ORDER
IN
CRL OP(MD) No.16714 of 2025**

Date : 13/10/2025