



Crl.O.P.(MD) No.16169 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.10.2025

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD) No.16169 of 2025

and

Crl.M.P.(MD) Nos.13200 & 13203 of 2025

Gajamanirajan

... Petitioner

Vs.

1.State of Tamil Nadu rep. by
The Sub-Inspector of Police,
Kadayam Police Station,
Kadayam, Tenkasi District.
(Crime No.120 of 2025)

2.Subburaj
Special Sub-Inspector of Police,
Kadayam Police Station,
Kadayam, Tenkasi District.

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of Bharathiya Nagarik Suraksha Sanhita, 2023 to call for the records relating to the criminal case, which is pending in S.T.C.No.1060 of 2025 before the learned Judicial Magistrate, Tenkasi, Tenkasi District and quash the same as illegal.

For Petitioner : Mr.K.Ganesamoorthi



WEB COPY



Crl.O.P.(MD) No.16169 of 2025

For R1

: Mr.R.Meenakshi Sundaram
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking to quash the final report in S.T.C.No.1060 of 2025, on the file of the learned Judicial Magistrate, Tenkasi, Tenkasi District, for the offence punishable under Section 4-A of the Tamil Nadu Prohibition Act, 1937.

2. The allegation in the final report is that on 21.03.2025 at about 05:30 p.m., the petitioner was found near the bus stop in an intoxicated state, causing nuisance to the public.

3. The learned counsel for the petitioner would submit that the impugned prosecution is an abuse of process of law; that no independent witnesses have been examined by the police; that the respondents have not established that the petitioner was in an intoxicated state by subjecting him to medical examination and by examining the doctor; and therefore, the alleged offence punishable under Section 4-A of the Tamil Nadu Prohibition Act, 1937, would not be made out, and the final report is liable to be quashed.



Crl.O.P.(MD) No.16169 of 2025

4. The learned Additional Public Prosecutor for the first respondent would submit that totally, three witnesses have been cited in the final report; that they are Constables and the Sub-Inspector of Police, who had conducted the investigation; and that the point raised by the petitioner has to be adjudicated only in the trial.

5. Section 4-A of the Tamil Nadu Prohibition Act, 1937 prohibits a person to be in a state of intoxication in a public place. Section 4-A of the Tamil Nadu Prohibition Act, 1937 reads as under:

“4-A. Punishment for being found in a State of intoxication: Whoever is found in a state of intoxication in any public place and whoever, not having been permitted to consume any liquor or intoxicating drug in pursuance of this Act, is found in a state of intoxication in any private place, shall be punished with imprisonment for a term which may extend to three months or with fine which may extend to one thousand rupees.”

6. Any person who is found in a state of intoxication in a public place is liable for the aforesaid offences. In this case, no independent witnesses have been examined to establish that the petitioner was found in a state of intoxication. Only the Constables who apprehended the



Crl.O.P.(MD) No.16169 of 2025

petitioner and the Sub-Inspector of Police who investigated the case have been examined. That apart, there is nothing in the final report to suggest that the petitioner was subjected to any medical test to prove that he was intoxicated. No doctor has been cited as a witness in the final report. This Court is of the view that intoxication has to be established by medical examination, and it cannot be established only by the perception of the police officials apprehending the accused. Therefore, the petitioner cannot be prosecuted for the offence under Section 4-A of the Tamil Nadu Prohibition Act, 1937, and the impugned prosecution is an abuse of the process of law. Thus, the impugned final report is liable to be quashed and is accordingly quashed.

7. Accordingly, this Criminal Original Petition is allowed. Consequently, the connected Miscellaneous Petitions are closed.

24.10.2025

JEN

Index: Yes/ No

Neutral Citation: Yes / No

Speaking Order / Non-Speaking Order

Copy To:

1.The Judicial Magistrate,
Tenkasi, Tenkasi District.



Crl.O.P.(MD) No.16169 of 2025

- 2.The Sub-Inspector of Police,
Kadayam Police Station,
Kadayam, Tenkasi District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.O.P.(MD) No.16169 of 2025

SUNDER MOHAN, J.

JEN

Crl.O.P.(MD) No.16169 of 2025

24.10.2025