



CRL OP(MD). No.19697 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 11/11/2025

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

CRL OP(MD). No.19697 of 2025

S.Sanduru

... Petitioner

Vs

1.State of Tamilnadu,
Rep by the Inspector of Police,
Kariapatti Police Station,
Virudhunagar District.
Cr.No.210/2024.

2.Subramanian,
Special Sub Inspector of Police,
Kariapatti Police Station,
Virudhunagar District.

... Respondent

PRAYER :- This Criminal Original Petition is filed under Section 528 BNSS, to call for the records relating to the impugned proceedings in C.C.No.59 of 2025 in Cr.No.210 of 2024 on the file of the learned District Munsif Cum Judicial Magistrate, Kariapatti and quash the same.

For Petitioner : Mr.M.A. Abdul Muthalif,
Advocate

For R1 : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor

ORDER



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The petitioner seeks to quash the impugned final report in C.C.No. 59 of 2025 on the file of the learned District Munsif Cum Judicial Magistrate, Kariapatti, which was filed for the offence under Section 4(1) (c) of the Tamil Nadu Prohibition (Amendment) Act.

2.The allegation in the impugned the final report is that the petitioner was found in illegal possession of 17 bottles of 650 ml “British Empire Beer” and 6 bottles of 180 ml “Express Special Brandy” and thus committed the aforesaid offence.

3.The learned counsel for the petitioner would submit that there is no independent witness to prove the seizure; that the investigating officer and the complainant are one and the same; that no other documents were seized from the petitioner, namely, the bill or invoice for the purchase of the bottles and therefore, the impugned prosecution is liable to be quashed.

4.The learned Additional Public Prosecutor appearing for the respondent police, per contra, would submit that all the bottles were



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seized and produced before the Assistant Commissioner (Excise), who opined that the bottles seized from the petitioner contained alcohol; that merely because the constables are witnesses to the seizure, they should not be disbelieved; and that non-examination of any independent witnesses is not fatal to the prosecution case in the facts and circumstances of the case.

5.This Court, at this stage, cannot hold that there is no valid seizure from the petitioner merely because the seizure witnesses are police constables. The Hon'ble Supreme Court, in the case of ***Mukesh singh Vs State*** reported in ***(2020) 10 SCC 120***, held that the final report cannot be quashed merely because the complainant is also the Investigating Officer. It has to be seen whether any prejudice has been caused in the facts and circumstances of each case. Therefore, this Court is of the view that it is for the petitioner to establish before the trial Court his defense and also to show that prejudice has been caused.

6. Hence, this Court is not inclined to quash the impugned final report. Accordingly, this Criminal Original Petition is dismissed.



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11.11.2025

NCC :Yes/No
Index :Yes/No
Internet :Yes/No
cp/ars

TO

1.The District Munsif Cum Judicial Magistrate,
Kariapatti.

2.The Inspector of Police,
Kariapatti Police Station,
Virudhunagar District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SUNDER MOHAN,J

cp/ars

ORDER
IN
CRL OP(MD) No.19697 of 2025

Date : 11/11/2025