



Crl.O.P.(MD) No.20500 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.11.2025

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD) No.20500 of 2025

and

Crl.M.P.(MD) Nos.17385 & 17388 of 2025

Iyyappan

... Petitioner

Vs.

1.The State of Tamil Nadu rep. by
The Inspector of Police,
Suchindram Police Station,
Kanyakumari District.
(Crime No.217 of 2020)

2.T.Ravichandran,
Sub-Inspector of Police,
Suchindram Police Station,
Kanyakumari District.

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of Bharathiya Nagarik Suraksha Sanhita, 2023 to call for records pertaining to the impugned charge sheet in S.T.C.No.1155 of 2023, on the file of the learned Judicial Magistrate No.III, Nagercoil and quash the same as illegal.

For Petitioner : Mr.P.M.Vishnu Varthanan



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For R1

: Mr.K.Sanjai Gandhi
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed seeking to quash the final report in S.T.C.No.1155 of 2023, on the file of the learned Judicial Magistrate No.III, Nagercoil, filed against the petitioner for the offence punishable under Section 4(1)(k) of the Tamil Nadu Prohibition Act, 1937.

2. The gist of the allegations is that, during the COVID-19 period, on 05.04.2020 at 11:00 hours, the petitioner was found in possession of 180 ml Old Cask Rum - 4 bottles, 180 ml Vorion Classic XXX Rum - 2 bottles, 180 ml Golden Eagle Brandy - 2 bottles, 180 ml SNJ Brandy - 1 bottle, and 180 ml Honey Day Deluxe Brandy - 1 bottle, totaling 10 bottles, for sale, and thereby committed the aforesaid offence.

3. The learned counsel for the petitioner would submit that there is no evidence to suggest that the petitioner possessed the liquor bottles for sale; and that the petitioner is entitled to possess 4.5 liters of Indian Made



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Foreign Liquor for his personal consumption as per the Tamil Nadu Liquor (Possession for Personal Consumption) Rules, 1996, as amended on 09.06.2017, and therefore, the impugned prosecution is an abuse of the process of law.

4. The learned Government Advocate (Criminal Side) for the respondent would confirm that, as per the said Rules, the petitioner can possess 4.5 liters of Indian Made Foreign Liquor for his personal consumption.

5. Rule 2 of the Tamil Nadu Liquor (Possession for Personal Consumption) Rules, 1996, as amended on 09.06.2017, reads as follows:

2. Possession of liquor for personal consumption.- No person shall possess the liquor mentioned in column (1) of the Table below, which have already been specified under sub – clause (i) of clause (j) of sub- section (i) of Section 4 of the Tamil Nadu Prohibition Act 1937 (Tamil Nadu Act X of 1937), for personal consumption, in excess of the quantity specified in the corresponding entries in column (2) thereof

1 TABLE

Amended vide G.O.(MS) No.14, H.P&EVI Department , dated 09.06.2017.



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<i>Liquor (1)</i>	<i>Quantity (in Litres) (2)</i>
<i>(1) Indian made Foreign Spirits</i>	4.5
<i>(2) Foreign Liquor</i>	4.5
<i>(3) Beer</i>	7.8
<i>(4) Wine</i>	9.0

6. Considering the fact that the petitioner was in possession of 1.8 liters of Indian Made Foreign Liquor (10 × 180 ml), which is within the permitted quantity for personal consumption; that there is no evidence to suggest that the petitioner was in possession of such bottles for sale, and that the petitioner has no bad antecedents, this Court is of the view that the impugned prosecution is an abuse of the process of law. Therefore, the impugned final report is liable to be quashed and is accordingly quashed.

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

18.11.2025

JEN
Index: Yes/ No
Neutral Citation: Yes / No
Speaking Order / Non-Speaking Order



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- 1.The Judicial Magistrate No.III, Nagercoil.
- 2.The Inspector of Police,
Suchindram Police Station,
Kanyakumari District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SUNDER MOHAN, J.

JEN

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