



Crl.O.P.No.4638 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.02.2026

CORAM:

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.4638 of 2026
and Crl.M.P.Nos.3280 & 3281 of 2026

Sundararaj @ Sundarraj

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Negamam Police Station,
Coimbatore District.
(Crime No.294 of 2024)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita/Section 482 Cr.P.C., to call for the records relating to charge sheet in S.T.C.No.1616 of 2025, on the file of the Judicial Magistrate Court No.II, Pollachi and quash the same as against the petitioner.

For Petitioner : Mr.S.Arul Selvan

For Respondent : Mr.S.Santhosh
Government Advocate (Criminal Side)

ORDER

The present Criminal Original Petition has been filed seeking to quash the proceedings in S.T.C.No.1616 of 2025 pending on the file of the

Judicial Magistrate Court No.II, Pollachi.

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2. The brief facts of the case are as follows:-

2.1. On 13.10.2024, when the respondent and his team were on their patrol duty, they found the petitioner in illegal possession of 10 litres of toddy without a valid license.

2.2. As no member from the public was willing to act as a witness, the respondent police, in the presence of two police personnel, prepared the seizure mahazar and seized the contraband and obtained the signatures of the witnesses therein. Thereafter, the toddy was destroyed at the spot by breaking the pot so as not to cause disturbance to the public and a destruction mahazar was prepared and signed by the witnesses.

2.3. Consequently, a case in Crime No.294 of 2024 was registered by the respondent Police for the offences under Section 4(1)(C) of the Tamil Nadu Prohibition (Amedment) Act, 2024.

2.4. After completion of investigation, the final report was filed before the Judicial Magistrate Court No.II, Pollachi and the learned Magistrate took cognizance of the same and numbered it as S.T.C.No.1616 of 2025, which is now sought to be quashed.



3. Learned counsel appearing for the petitioner submitted that the respondent police, without collecting any samples from the liquid allegedly seized from the petitioner and without subjecting the same to chemical analysis, destroyed the same. He further submitted that there is no material to prove that the liquid allegedly recovered and destroyed was toddy. He also submitted that all the witnesses cited in this case are police officials. Therefore, in such circumstances, the possibility of the petitioner being convicted is bleak and continuation of the impugned proceedings would amount to an abuse of process of law. Hence, he prayed to quash the proceedings pending against the petitioner.

4. In support of his contention, the learned counsel appearing for the petitioner relied on the judgment of this Court in *Simson and 3 others vs. State by Inspector of Police, Tuticorin South*, reported in (1996) SCC OnLine Mad 73.

5. Learned Government Advocate (Criminal Side), appearing for the respondent Police, submitted that the petitioner was found to be in illegal possession of 10 litres of toddy and upon enquiry, he confessed to having possessed the tapped toddy for the purpose of sale. He further



submitted that as no independent witness offered to come forward, the police officials acted as witnesses. He also submitted that since the petitioner had confessed to the offence, no samples were taken from the contraband for chemical analysis.

6. Heard the learned counsel appearing on either side and perused the materials available on record.

7. In view of the above, this Court is of the opinion that the mere fact that the witnesses are official witnesses cannot, by itself, be a ground for quashing the proceedings. However, admittedly, in the present case, the alleged substance recovered was not sent for chemical analysis to establish that the material object was toddy. Further, except for the alleged confession of the petitioner/accused, there is no material against him. In such circumstances, it cannot be established that the substance seized from the petitioner was toddy. Therefore, no useful purpose will be served by allowing the impugned proceedings to continue and the same is liable to be quashed.



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8. Accordingly, the Criminal Original Petition stands allowed and the proceedings in S.T.C.No.1616 of 2025, pending on the file of the Judicial Magistrate Court No.II, Pollachi, is hereby quashed as against the petitioner. Consequently, the connected miscellaneous petitions are closed.

25.02.2026

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Neutral Citation: Yes/No

To

1. The Judicial Magistrate No.II,
Pollachi.
2. The Inspector of Police,
Negamam Police Station,
Coimbatore District.
3. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA, J.

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