



WEB COPY

CRL OP No. 9926 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-04-2026

CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 9926 of 2026

and

CrI.MP.No.7093 of 2026

Abinesh
S/o.Vetrivel,
No. 4/39, Kizhakudiyiruppu,
Kokkaladi, Thiruvarur - 614 711.

..Petitioner(s)

Vs

The State Rep By Inspector of Police
Thiruthuraipoondi Police Station,
Thiruvarur District. Crime No. 1156/2021.

..Respondent(s)

PRAYER: This criminal original petition filed under Section 528 of BNSS, to call for the records and quash the STC No. 33/2026 in Crime No. 1156/2021 on the file of the Learned Judicial Magistrate, Thiruthuraipoondi regarding this petitioner and thus render justice.

For Petitioner(s):

Mr.S.Esakkimuthu

For Respondent(s):

Mr. LEONARD ARUL JOSEPH SELVAM
ADDITIONAL PUBLIC PROSECUTOR

ORDER

The petitioner/A3 facing trial in STC No. 33/2026 for the offence under Section 4(1)(a) of Tamil Nadu Prohibition Act (TNP Act) filed this quash application.



2.The case of the prosecution is that on 03.07.2021 at about 10.30 a.m., one Vadivel (A1), resident of Melatheru Korkai Thiruthuraipoondi along with Vetrivel (A2) and Abinesh/petitioner (A3), both residents of Kelakudiiruppu Kokkaladi, Thiruthuraipoondi were found in possession of 17 bottles each containing 180ml of Pondicherry arrack without any valid license. Hence, the respondent police registered a case on 03.07.2021 and final report filed on 03.08.2021 along with statement of five listed witnesses, the same was taken on file in S.T.C.No.33 of 2026.

3.The contention of the learned counsel for the petitioner is that FIR came to be registered on the complaint of Sub-Inspector of Police attached to the respondent police. The complaint is that on 03.07.2021 the Sub-Inspector of Police along with two other Constables were on a patrol duty with regard to anti-prohibition and when they were passing near the house of A2, he tried to flee away and was caught hold by the Police, he informed that the petitioner and his father were present there and from A2, 17 bottles each containing 180ml of arrack seized. Admittedly, the petitioner was not arrested in the scene of occurrence and there was no recovery. Since the petitioner's father had some previous cases, the petitioner is also falsely implicated in this case. Initially, a case has been projected as though the arrack bottle was opened, it emanated pungent smell and suspected poisonous substance added to it and case was



initially registered under Section 4(1)(a) r/w. 4(1-A) of TNP Act. In this case, though it is claimed that seizure made in the public place, no public witness examined and no details or reason given for the same. He further submitted that in this case LW1 and LW2 are hearsay who state about antecedents of petitioner's father. Of the five witnesses, none of the witness state anything against the petitioner. The petitioner is aged about 24 years and due to the above case, he is unable to get employment despite having educational qualification. Hence, prayed for quashing the case.

4.The learned Additional Public Prosecutor submitted that in this case the defacto complainant is the Sub-Inspector of Police attached to the respondent police who was on a patrol duty along with two other Constables. On seeing them, all the three accused who were standing near the house of A2 attempted to flee from there, A2 was apprehended and he disclosed that it was A1 and A3 who were present near the scene of occurrence, they were regularly smuggling arrack from State of Puducherry and they used to sell it to the local residents in their Village, A2 was arrested in the scene of occurrence and arrack bottles seized. Samples were taken and on completion of investigation, charge sheet filed against the petitioner. He fairly submitted that as against the petitioner/A3, there is no previous case and apart from it, there is no specific overtact against him.



5.Considering the submissions made and on perusal of the materials, it is that there is no specific overt act against the petitioner/A3 and there is no previous case pending against him. Further, it is stated that the arrack seized from public place but no public witness examined. Except for the reason that the petitioner is the son of A1, no specific overt act attributed against the petitioner. In view of the same, this Court finds that continuation of the proceedings will serve no purpose and it is only an abuse of process of law.

6.Accordingly, this Criminal Original Petition is allowed and the S.T.C.No.33 of 2026 on the file learned Judicial Magistrate Court, Thiruthuraipoondi, is hereby quashed. Consequently, connected miscellaneous petition is closed.

21-04-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
sms

To

1.The Inspector of Police
Thiruthuraipoondi Police Station,
Thiruvarur District. Crime No. 1156/2021.

2.The Public Prosecutor
High Court, Madras.



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M.NIRMAL KUMAR, J.

sms/cse

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