



Crl.O.P.No.14759 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 11.06.2026

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl. O.P. No. 14759 of 2026
and
Crl. M.P. Nos. 9437 and 9438 of 2026

Mohan

... Petitioner

Vs.

1.State represented by
The Inspector of Police,
Prohibition Enforcement Wing (PEW-GOBI) Police Station,
Erode District.
(Crime No.178 of 2025)

2.Mahesh K.E.
Special Sub-Inspector of Police,
Prohibition Enforcement Wing (PEW-GOBI) Police Station,
Erode District.
... Respondents

Prayer: Criminal Original Petition is filed under Section 528 of Bharatiya
Nagarik Suraksha Sanhita, 2023 to call for the records pertaining to the
impugned C.C.No.172 of 2025 pending on the file of the Judicial Magistrate,
Sathiyamangalam and quash the same.

For Petitioner : Ms. K. Swetha

For Respondents: Mr. A. Amarnath,

Counsel for Government of Tamil Nadu (Crl.Side) for R1



ORDER

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The petitioner / accused, who is facing trial in C.C.No.172 of 2025 for offence under Section 4(1)(C) of the Tamil Nadu Prohibition (Amendment) Act, has filed the quash petition.

2. The contention of the petitioner is that, in this case, the complainant / informant and the investigating officer are one and the same person, namely, the Special Sub-Inspector of Police attached to the Prohibition Enforcement Wing. He further submitted that no proper investigation has been conducted and that it is merely a tabletop investigation, as the final report was prepared on the very same day as the registration of the FIR. He further submitted that, although the occurrence is alleged to have taken place near a Prohibition Enforcement Wing check-post on a public road, no proceedings were conducted in the presence of any independent public witness.

2.1. It is further submitted that only three witnesses have been listed, of whom LW1 and LW2 are constables attached to the 1st respondent, while LW3 is the Special Sub-Inspector of Police. The brandy bottle alleged to have been seized from the petitioner was not sent for forensic examination.



Neither the bottle nor the label affixed thereto was subjected to forensic analysis to establish that the liquor was purchased in the State of Karnataka.

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It was further submitted that the petitioner is a resident of Kotagiri, Nilgiris District, situated at the tri-junction of Tamil Nadu, Kerala and Karnataka and therefore there was no necessity for the petitioner to purchase brandy from Karnataka for sale in Kotagiri, Tamil Nadu.

3. The learned Government Advocate for the 1st respondent strongly opposed the contentions of the petitioner and submitted that on 11.05.2025 at about 04.00 p.m., while the respondent police were on patrol duty and keeping surveillance near the Prohibition Enforcement Wing check-post, the petitioner was found at the spot. On noticing the police, he attempted to escape. Upon enquiry, he gave contradictory explanations and was found to be in possession of one litre of ML Bejois Brandy. During interrogation, he allegedly admitted that he had purchased the liquor from Karnataka and intended to sell the same in Tamil Nadu, taking advantage of the closure of TASMAL shops and the higher demand for liquor.

3.1. The learned Government Advocate fairly submitted that the particulars of the Karnataka State Excise label affixed to the bottle had not



been collected and no details in that regard had been recorded. He further submitted that the FIR was registered on 11.05.2025 and the final report was also prepared on the very same day. However, neither the Excise label nor the liquor bottle was sent for forensic examination.

4. Considering the submissions and upon perusal of the materials available on record, it is seen that the petitioner was allegedly apprehended on 11.05.2025 at about 4.00 p.m., and the final report was also prepared on the very same day. From the charge sheet, it is seen that only three witnesses have been cited, out of whom two are police constables and one is the Special Sub-Inspector of Police, who is the complainant and the Investigating Officer. The seizure of the liquor bottle is stated to have been effected on a public road near a check-post. However, no independent public witness has been examined. Further, there is no material to establish that the bottle was purchased in the State of Karnataka or that it has a Karnataka State Excise label. Admittedly, neither the liquor bottle nor the alleged Excise label was sent for forensic examination. It is also seen that ML Bejois Brandy is available for sale in the State of Tamil Nadu. Further, having regard to the statements recorded and the haste with which the final report



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was prepared, the prosecution case that the petitioner had purchased the brandy bottle from a TASMAL shop in Karnataka appears doubtful, particularly when there is no shop by the name of TASMAL in the State of Karnataka.

5. In view of the foregoing discussion and the materials available on record, this Court finds that the continuation of the prosecution would amount to an abuse of the process of law.

6. Accordingly, this Criminal Original Petition is allowed and the proceedings in C.C.No.172 of 2025 pending on the file of the Judicial Magistrate, Sathiyamangalam are hereby quashed. Consequently, connected miscellaneous petitions are closed.

11.06.2026

Neutral Citation: Yes/No
AT



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M.NIRMAL KUMAR, J.

AT

To

1.The Judicial Magistrate, Sathiyamangalam.

2.The Inspector of Police,
Prohibition Enforcement Wing (PEW-GOBI) Police Station,
Erode District.

3.The Public Prosecutor,
High Court of Madras.

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