



WEB COPY

CRL OP No. 15938 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-06-2026

CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 15938 of 2026

AND

CRL MP NO. 10417 OF 2026

1. Venkatesan
2. Velmurugan
3. Kalaiyarasan

..Petitioner(s)

Vs

The State,
Represented by The Inspector of Police,
PEW-Cuddalore Police Station,
Cuddalore District, Tamil Nadu.

..Respondent(s)

Criminal Original Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, to call for the records pertaining to the complaint in FIR No.139 of 2026 dated 30.01.2026 on the file of the PEW Cuddalore and quash the said complaint as against the petitioner.

For Petitioner(s): Mr.R.Vishnu Ram

For Respondent(s): Mr.A.Amarnath
Counsel for Government of Tamil Nadu
(Criminal Side)



ORDER

WEB COPY

The petitioners/accused in Crime No.139 of 2026 on the file of the respondent Police, registered for the offences under Sections 4(1)(C) and 14(A) of the Tamil Nadu Prohibition (Amendment) Act, 2024, have filed the present quash petition.

2.The case of the prosecution is that, on 30.01.2026, when the respondent Police were involved in road check at Cuddalore Pudhunagar Police Station check post, a Car bearing Registration No.TN-82-B-4224, in which the petitioners were travelling, was stopped and checked. In the Car, liquor bottles of Pondicherry origin, which are banned in the State of Tamil Nadu, were found and the same were seized. Hence, the case. To quash the same, the above petition has been filed by the accused.

3.Learned counsel for the petitioners submitted that there is nothing to show that the petitioners have smuggled the liquor bottles for sale or for any profit. It is also to be seen that, to show whether the bottles were found in a sealed condition or in a used condition, nothing is there in the FIR. He further submitted that the seizure was admittedly in the presence of public. However, no public witness was called upon. When the road check was conducted in a



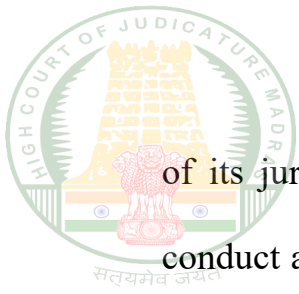
public place, no reason has been given for the non-availability of public witness.

Therefore, the learned counsel submits that the entire search and seizure is stage mannered. Hence, he prays for quashing of the FIR.

4. Whereas, learned Government Counsel (Criminal Side) appearing for the respondent Police submitted that, in this case, the vehicle driven by the petitioners/accused was intercepted during the routine prohibition check and in the Car, liquor bottles of Pondicherry origin were found and the petitioners have failed to produce a valid licence. Since the liquor bottles are banned in the State of Tamil Nadu, they were seized and a case has been registered. He further submits that, now, the investigation is in a crucial stage and a final report is to be filed within a period of two months. Hence, he opposed this petition.

5. Heard the submissions of the learned counsel on either side and perused the materials available on record.

6. It is the contention of the petitioners that there is no reason for non-availability of public witness. Further, it is to be seen as to whether the bottles were in sealed condition or not. Further, it has to be gone into whether the bottles were possessed by the petitioners for sale or profit or for personal use. All these points raised by the petitioners are factual in nature, which have to be decided only during trial by appreciation of evidence. This Court, in exercise



of its jurisdiction under Section 528 of BNSS / Section 482 Cr.P.C., cannot conduct a roving enquiry. It is for the petitioners to raise all their points before the trial Court. Therefore, this Court is not inclined to entertain this petition.

7.Hence, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

24-06-2026

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

MKN

To

1.The Inspector of Police,
PEW-Cuddalore Police Station,
Cuddalore District.

2.The Public Prosecutor,
High Court, Madras.



WEB COPY

CRL OP No. 15938 of 2



M.NIRMAL KUMAR J.

MKN

CRL OP No. 15938 of 2026

24-06-2026