Order QR

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-10-2026

CORAM

THE HON'BLE MR JUSTICE G.K. ILANTHIRAIYAN

CRL OP No. 31078 of 2026
and
CRL MP No.20587 of 2026

CNR: {HCMA012488702026}

Kalaiselvi

..Petitioner

Vs

1. State rep by
   The Inspector of Police
   Cheyyur Police Station,
   Chengalpattu Distirct.
   (Crime No. 84 of 2026)

2. Babu
   Inspector of Police,
   Cheyyur Police Station,
   Chengalpattu District.

..Respondents

Prayer: Criminal Original Petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, praying to call for the records relating to the FIR in Crime No.84 of 2026 on the file of the 1st respondent and to quash the same.

For Petitioner: Mr.N.Arun Kumar
For Respondents: Mr. R. Ganesh Kumar,
Additional Public Prosecutor for R1 & R2

ORDER

This Criminal Original Petition has been filed to quash the FIR registered in Crime No.84 of 2026 on the file of the first respondent Police, for the offences punishable under Sections 4(1)(a), 4(1)(i) of Tamil Nadu Prohibition

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Act, 1937 read with Sections 4(1)(C) and 4(1)(A) of the Tamil Nadu Prohibition (Amendment) Act, 2024.

2. The gist of the allegation in the impugned FIR is that while the respondents police were on regular patrol, they found that the petitioner was found in possession of six bottles labelled as “Veeran”, each containing 180 ml, totalling 1,080 ml (1.08 Litres) of liquor and thus committed the aforesaid offences.

3. The learned counsel for the petitioner would submit that the total quantity of liquor seized from the accused is only 1,080 ml (1.08 Litres) of liquor and that as per the G.O.Ms.No.14, H.P & EVI Department, dated 09.06.2017, issued by the State Government, a person can carry maximum of 4.5 Litres of Indian Made Foreign Spirits lawfully for personal use; that this Court in similar circumstances had quashed the proceedings as the petitioners therein were in possession of either IMFL or beer bottles within the permissible limit. He would rely upon the Tamil Nadu Liquor (Possession for Personal Consumption) Rules, 1996 (G.O.Ms.No.75, P& E, dated 16.04.1996).

4. Heard the learned Additional Public Prosecutor and he would fairly submit that the petitioner was in possession of the permissible limit; that the total quantity seized from the petitioners is only 1,080 ml (1.08 Litres) of liquor

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and that as per the notification issued by the State Government, the petitioner is entitled to possess 4.5 litres of Indian Made Foreign Spirits and 9.0 litres of Wine.

5. From the Tamil Nadu Liquor (Possession for Personal Consumption) Rules, 1996 (G.O.M.S.No.75, Prohibition and Excise Department, dated 16.04.1996), relied upon by the learned counsel for the petitioner allows an individual to carry 4.5 litres of Indian Made Foreign Spirits and 9.0 litres of wine for personal consumption. For better appreciation, the relevant portion of the said Government Order is extracted hereunder:

The Tamil Nadu Liquor (Possession for Personal Consumption) Rules, 1996
(G.O.Ms.No.75, P& E, dated 16th April 1996)
Rules

1. Short title and commencement

(1) These rules may be called the Tamil Nadu Liquor (Possession for Personal Consumption) Rules, 1996.

(2) These rules shall come into force with effect on and from the 25th April 1996.

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 subsection (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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Liquor	*Quantity (in Litres)*
(1) Indian Made Foreign Spirits	*4.5*
(2) Foreign Liquor	*4.5*
(3) Beer	*7.8*
(4) Wine	*9.0*

6. In the present case, the petitioner is sole accused, who was found in possession of 1,080 ml (1.08 Litres) of liquor since the petitioner was in possession of the permissible limit, the impugned prosecution under Section 4(1)(c) of TNP Act cannot be sustained.

7. In view of the above, this Court is of the view that the impugned FIR is liable to be quashed and is accordingly quashed. Hence, the Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

28-10-2026

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

LPP/ARL

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To

1. The Inspector of Police
Cheyyur Police Station,
Chengalpattu Distirct.

2. The Public Prosecutor,
High Court, Madras

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G.K.ILANTHIRAIYAN, J.

LPP

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