



Crl.O.P(MD)No.1751 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.01.2026

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.O.P(MD)No.1751 of 2026

and

Crl.M.P(MD)Nos.1907 & 1909 of 2026

1.Muthukumar

2.Margu Gnanaraj

... Petitioners/A1 & A2

Vs.

1.The State of Tamil Nadu,
The Inspector of Police,
Ambasamudram Police Station,
Tirunelveli District.
(Crime No.238/2025)

... Respondent/Complainant

2.Anantha Balasubramanian

... Respondent/Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records in C.C.No.574 of 2025 on the file of the learned Judicial Magistrate Court, Ambasamudram and quash the same as illegal as against the petitioners.

For Petitioner : Mr.S.Srikanth

For R1 : Mr.B.Thanga Aravindh

Government Advocate(Crl.Side)



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ORDER

Seeking quashment of the impugned final report in C.C.No.574 of 2025 on the file of the learned Judicial Magistrate Court, Ambasamudram, the present Criminal Original Petition has been filed.

2. The case of the prosecution is that on 15.06.2025, acting on a secret information, the 2nd respondent and his team were conducting prohibition patrol within their jurisdiction. During the patrol, the 2nd petitioner (A2) was found carrying a white sack bag. Upon enquiry, it was allegedly revealed that he, along with the 1st petitioner (A1) Muthukumar, had purchased liquor bottles from a Government TASMAC shop and, without any licence or permission, had been illegally selling them at a price higher than the fixed rate, even before the TASMAC shop opened, for personal profit. A total of 26 brandy bottles (180 ml each, totaling 4.68 litres) and Rs. 400/- were seized from A2. Based on these allegations, an FIR was registered for offences under Section 4(1)(A) of the Tamil Nadu Prohibition (Amendment) Act,



2024 and Section 3(5) of the BNS, 2023. After investigation, a final report was filed and the case was taken on file as C.C. No.574 of 2025 before the Judicial Magistrate Court, Ambasamudram.

3. The learned counsel for the petitioners submitted that FIR was registered based on the complaint given by the 2nd respondent, who is not an Inspector of Police functioning under the Prohibition Wing but is only the jurisdictional law and order police. He further relying upon the order of this Court in ***L.Kannan v. The Sub Inspector of Police, Ambasamuthiram Police Station and another¹*** pointed out that this Court has time and again held that only an Inspector of Police functioning under the State Prohibition Enforcement Wing is empowered to lodge a complaint for offences under Section 4(1)(A) of the Tamil Nadu Prohibition (Amendment) Act, 2024. But in the instant case, in violation of the said mandate, the complaint was lodged by the jurisdictional law and order police and on that basis, the entire investigation has been initiated. Therefore, the learned counsel prayed

¹ Order dated 10.08.2023, made in CrI.O.P(MD)No.12316 of 2020



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for quashment of the impugned final report in C.C. No.574 of 2025 before the Judicial Magistrate Court, Ambasamudram.

4. The learned Government Advocate (Criminal Side) appearing for the 1st respondent, categorically contended that the petitioners were selling the liquor bottles without any permission or license. The 2nd respondent was well within his rights to lodge a complaint pursuant to which appropriate action has been taken against the petitioners and therefore sought dismissal of this Criminal Original Petition.

5. Heard the learned counsel for the petitioners and the learned Government Advocate (Criminal Side) appearing for the 1st respondent and carefully perused the material available on record.

6. The order of this Court in ***L.Kannan***, relied upon by the learned counsel for the petitioners is fully applicable to the facts and circumstances of the present case. The relevant portion of the said order is extracted hereunder:



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“8. According to the 2.7 of the said manual the Additional Director General of Police (Enforcement) is the head of this unit and he is assisted by the Inspector General of Police (Enforcement), a Superintendent of Police, Central Investigation Unit at Chennai and a Superintendent of Police (Enforcement) each at Chennai, Salem and Madurai. As per the Act, 94 Prohibition Enforcement Wing units functioning in the State headed by the Inspectors of Police are declared as police stations for enforcing the Tamil Nadu Prohibition Act, 1937. Further, in the case on hand, the second respondent registered the F.I.R in Crime No.492 of 2017, who is not the enforcing officer under the Act.

9. Further as per the Tamil Nadu Liquor(Possession for Personal Consumption) Rules, 1996 in G.O.Ms.No. 75,P&E, dated 16th April 1996 and amended vide G.O.(MS) No.14 H.P.EVI Department dated 09.06.2017, the prescribed limit for Indian made Foreign spirit is 4.5 litres but in the impugned S.T.C the quantity is only 1.260 litres. Therefore the petitioner is only having less quantity of prescribed limit. Further so far as section 4(1)(i) of TNP Act is concerned it relates to selling to liquor and intoxicated drugs but here there is no any material to show that the petitioner was selling the above said liquor and



investigating officer only recovered a sum of Rs.150/- from the petitioner. Mere possession of liquor bottles and having money is not sufficient to hold that the petitioner sold the liquor and thereby the charge sheet is liable to be quashed.

10. The respondent police without having jurisdiction has registered First Information Report and filed final report and even according to the First Information Report and final report no offence is made out and the registration of the First Information Report itself is clear violation of procedure and not in accordance with law, therefore the pending charge sheet in S.T.C. No.48 of 2020 is liable to be quashed.”

7. No doubt, the First Information Report for the offence under Section 4(1)(A) of the Tamil Nadu Prohibition (Amendment) Act, 2024 was registered by the jurisdictional law and order police. As rightly contended by the learned counsel for the petitioners, only the Inspector of Police functioning under the Prohibition Enforcement Wing units of the State is empowered to lodge a complaint under the said provision. Fully fortified by the aforesaid order of this Court, the final report in



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C.C.No.574 of 2025 on the file of the learned Judicial Magistrate Court,
Ambasamudram is quashed.

8. Accordingly, this Criminal Original Petition is allowed.

Consequently, the connected Miscellaneous Petitions are closed.

30.01.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No

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To

- 1.The Judicial Magistrate Court,
Ambasamudram.
- 2.The Inspector of Police,
Ambasamudram Police Station,
Tirunelveli District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.

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