



IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

**Cr.MMO No.401 of 2023
Date of Decision: 06.05.2026**

Manik Kumar

.....Petitioner

Versus

State of Himachal Pradesh and Another

.....Respondents

Coram

Hon'ble Mr. Justice Sandeep Sharma, Judge.

*Whether approved for reporting? **Yes.***

For the Petitioner: Mr. Neeraj K. Sharma, Senior Advocate, with Mr. Hemant Kumar Thakur and Mr. Vidush Chauhan, Advocates.

For the Respondents: Mr. Rajan Kahol & Mr. Vishal Panwar, Additional Advocates General, with Mr. Ravi Chauhan and Mr. Anish Banshtu, Deputy Advocates General, for State

Sandeep Sharma, J. *(Oral)*

By way of instant petition filed under Section 482 Cr.P.C., prayer has been made on behalf of the petitioner for quashing of FIR No.467 of 2020, dated 27.12.2020, registered at Police Station Sadar Una, District Una, Himachal Pradesh, under Section 420 and 201 of IPC and Sections 39(1)(a) and 39(2) of the Himachal Pradesh Excise Act (**for short, 'the Act'**) along with consequential proceedings pending in the Court of learned Judicial Magistrate First Class, Court No.3, Una.

2. Precisely, the facts of the case, as emerge from the pleadings, as well as other material adduced on record by the respective parties are that FIR sought to be quashed in the instant proceedings came to be lodged

at the behest of Sub-Inspector Anita, who alleged that on 27.12.2020, while she was on patrolling duty, she received information that truck bearing No.HP-64-9387, coming from Santoshgarh to Una side, may be carrying huge quantity of liquor without permit and as such, aforesaid truck was stopped for checking and allegedly, 402 boxes of Indian Made Foreign Liquor (**for short, 'IMFL'**), namely 'Golden Tiger', were being transported without any permit. Since at the time of interception, driver of the offending vehicle namely Ravi Rana was unable to produce any permit qua the liquor, Police lodged FIR against above named driver as well as petitioner herein, proprietor of Mars Bottlers. However, within short span of time, driver Ravi Rana produced relevant documents including permit with regard to liquor which was being transported in truck bearing No.HP-64-9387. As per permit made available by driver namely Ravi Rana, though petitioner herein had permit to transport 400 bottles of IMFL, Golden Tiger, but from truck, detailed hereinabove, 402 boxes were recovered, meaning thereby, two boxes of IMFL, named hereinabove, were being transported illegally without any permit. It also transpired at the time of checking that though permit was only for Batch No.15, but some of the bottles kept in boxes were of Batch Nos.9, 14 and 15. In the afore background, FIR sought to be quashed in the instant proceedings came to be lodged against the petitioner.

3. Though after completion of investigation, Police has already presented Challan in the competent Court of law, but before same could be

taken to its logical ends, petitioner has approached this Court in the instant proceedings for quashing of FIR.

4. Precisely, the grouse of the petitioner, as has been highlighted in the petition and further canvassed by Mr. Neeraj Sharma, learned Senior Counsel representing the petitioner, is that no case much less under Section 39 of the Act is made out against the petitioner, because 400 boxes recovered from the offending vehicle were being transported on the basis of legal permit issued by the Department of Excise and Taxation. Mr. Sharma, learned Senior Counsel representing the petitioner, further submitted that though petitioner disputes factum of transportation of two boxes of IMFL without permit, but even if it is presumed that two boxes were being transported without valid permit, case against the petitioner could have been compounded under Sections 66 and 67 of the Act. He further submitted that though repeatedly Department of Excise clarified to the Police authorities that on account of recovery of bottles of different batches, no case is made out under Section 39, but in that eventuality, petitioner is liable to be punished under Section 43 of the Act, which is triable by the Excise Department itself, but yet for no cogent and convincing reason, Police presented Challan before the learned Judicial Magistrate First Class, which also, despite having received clarification from the Excise Department that no case is made out under Section 39 of the Act, proceeded with the case.

5. To the contrary, Mr. Rajan Kahol, learned Additional Advocate General, while refuting the aforesaid claim put forth at the behest of petitioner vehemently argued that present petition is not maintainable for the reason that Challan stands filed in the competent Court of law. He submitted that even if it is presumed that only two boxes of liquor were being transported without permit, petitioner herein is liable to be prosecuted under Section 39 of the Act. He submitted that though offence alleged to have been committed by the petitioner for his having illegally transporting two boxes of IMFL can be compounded in terms of Sections 66 and 67 of the Act, but such power can only be exercised by learned Judicial Magistrate and not by this Court. Mr. Kahol further submitted that there is a *prima facie* case under Section 39 of the Act against the petitioner for the reason that in some of the boxes, bottles of different batches were found. He submitted that though permit was for Batch No.15, but some of the bottles packed in boxes were of Batch Nos.9 and 14 also, for which, admittedly petitioner had no valid permit. Mr. Kahol further submitted that though Department of Excise and Taxation repeatedly asked the Police to not register the case under Section 39 of the Act, but such fact, if any, may not be of much relevance as far as Police investigation is concerned, especially when it stands proved on record that at the time of interception of offending vehicle, some of the bottles packed in boxes were of different batches. While referring to the communication dated 08.07.2021 (Annexure

P-7) addressed to Judicial Magistrate First Class, Court No.3, Una, by Deputy Commissioner, State Taxes and Excise, Una, District Una, Mr. Kahol submitted that even afore authority requested Judicial Magistrate First Class to proceed with the case against the petitioner as far as two cases of IMFL, which were found without pass and permit is concerned, hence, no illegality can be said to have been committed by the Police while presenting Challan in the competent Court of law.

6. I have heard learned counsel for the parties and perused material available on record.

7. Before ascertaining the genuineness and correctness of the submissions and counter submissions having been made by the learned counsel for the parties *vis-à-vis* prayer made in the instant petition, this Court deems it necessary to discuss/elaborate the scope and competence of this Court to quash the criminal proceedings while exercising power under Section 482 of Cr.PC.

8. A three-Judge Bench of the Hon'ble Apex Court in case titled **State of Karnataka v. L. Muniswamy and others**, 1977 (2) SCC 699, held that High Court, while exercising power under Section 482 Cr.PC is entitled to quash the proceedings, if it comes to the conclusion that allowing the proceeding to continue would be an abuse of the process of the Court or that the ends of justice require that the proceeding ought to be quashed.

9. Subsequently, in case titled **State of Haryana and others v. Bhajan Lal and others**, 1992 Supp (1) SCC 335, the Hon'ble Apex Court, while elaborately discussing the scope and competence of High Court to quash criminal proceedings under Section 482 Cr.PC laid down certain principles governing the jurisdiction of High Court to exercise its power. After passing of aforesaid judgment, issue with regard to exercise of power under Section 482 Cr.PC, again came to be considered by the Hon'ble Apex Court in Criminal Appeal No.577 of 2017 (arising out of SLP (CrL.) No. 287 of 2017) titled Vineet Kumar and Ors. v. State of U.P. and Anr., wherein it has been held that saving of the High Court's inherent powers, both in civil and criminal matters, is designed to achieve a salutary public purpose i.e. court proceedings ought not be permitted to degenerate into a weapon of harassment or persecution.

10. In **Amish Devgan vs Union of India and Ors**, (2021) 1 SCC 1, the Hon'ble Apex Court held as under:

“(vii) Conclusion and relief

116. At this stage and before recording our final conclusion, we would like to refer to decision of this Court in Pirthi Chand [State of H.P. v. Pirthi Chand, (1996) 2 SCC 37 : 1996 SCC (Cri) 210] wherein it has been held : (SCC pp. 44-45, paras 12-13)

“12. It is thus settled law that the exercise of inherent power of the High Court is an exceptional one. Great care should be taken by the High Court before embarking to scrutinise the FIR/charge-sheet/complaint. In deciding whether the case is rarest of rare cases to scuttle the prosecution in its inception, it first has to get into the grip of the matter whether the allegations constitute the offence. It must be remembered that FIR is only

an initiation to move the machinery and to investigate into cognizable offence. After the investigation is conducted (sic concluded) and the charge-sheet is laid, the prosecution produces the statements of the witnesses recorded under Section 161 of the Code in support of the charge-sheet. At that stage it is not the function of the court to weigh the pros and cons of the prosecution case or to consider necessity of strict compliance with the provisions which are considered mandatory and effect of its non-compliance. It would be done after the trial is concluded. The court has to prima facie consider from the averments in the charge-sheet and the statements of witnesses on the record in support thereof whether court could take cognizance of the offence on that evidence and proceed further with the trial. If it reaches a conclusion that no cognizable offence is made out, no further act could be done except to quash the charge-sheet. But only in exceptional cases i.e. in rarest of rare cases of mala fide initiation of the proceedings to wreak private vengeance issue of process under Criminal Procedure Code is availed of. A reading of a [Vide Corrigendum dated 20-3-1996 issued from Residential Office of Hon'ble Mr Justice K. Ramaswamy.] complaint or FIR itself does not disclose at all any cognizable offence — the court may embark upon the consideration thereof and exercise the power.”

11. In the case of ***Kaptan Singh vs State of Uttar Pradesh and Ors.*** (2021) 9 SCC 35, the Supreme Court held as under :

“9.1. At the outset, it is required to be noted that in the present case the High Court in exercise of powers under Section 482 CrPC has quashed the criminal proceedings for the offences under Sections 147, 148, 149, 406, 329 and 386 IPC. It is required to be noted that when the High Court in exercise of powers under Section 482 CrPC quashed the criminal proceedings, by the time the investigating officer after recording the statement of the witnesses, statement of the complainant and collecting the evidence from the incident place and after taking statement of the independent witnesses and even statement of the accused persons, has filed the charge-sheet before the learned Magistrate for the offences under Sections 147, 148, 149, 406, 329 and 386 IPC and even the learned Magistrate also took the cognizance. From the impugned judgment and order [Radhey Shyam Gupta v. State of U.P., 2020 SCC OnLine All 914]

passed by the High Court, it does not appear that the High Court took into consideration the material collected during the investigation/inquiry and even the statements recorded. If the petition under Section 482 CrPC was at the stage of FIR in that case the allegations in the FIR/complaint only are required to be considered and whether a cognizable offence is disclosed or not is required to be considered. However, thereafter when the statements are recorded, evidence is collected and the charge-sheet is filed after conclusion of the investigation/inquiry the matter stands on different footing and the Court is required to consider the material/evidence collected during the investigation. Even at this stage also, as observed and held by this Court in a catena of decisions, the High Court is not required to go into the merits of the allegations and/or enter into the merits of the case as if the High Court is exercising the appellate jurisdiction and/or conducting the trial. As held by this Court in *Dineshbhai Chandubhai Patel* [*Dineshbhai Chandubhai Patel v. State of Gujarat*, (2018) 3 SCC 104 : (2018) 1 SCC (Cri) 683] in order to examine as to whether factual contents of FIR disclose any cognizable offence or not, the High Court cannot act like the investigating agency nor can exercise the powers like an appellate court. It is further observed and held that that question is required to be examined keeping in view, the contents of FIR and prima facie material, if any, requiring no proof. At such stage, the High Court cannot appreciate evidence nor can it draw its own inferences from contents of FIR and material relied on. It is further observed it is more so, when the material relied on is disputed. It is further observed that in such a situation, it becomes the job of the investigating authority at such stage to probe and then of the court to examine questions once the charge-sheet is filed along with such material as to how far and to what extent reliance can be placed on such material.

12. Therefore, the High Court has grossly erred in quashing the criminal proceedings by entering into the merits of the allegations as if the High Court was exercising the appellate jurisdiction and/or conducting the trial. The High Court has exceeded its jurisdiction in quashing the criminal proceedings in exercise of powers under Section 482 CrPC.”

12. Recently, Hon'ble Apex Court in **Abhishek Singh vs Ajay Kumar and Ors.**, (2025) SCC OnLine SC 1313, reiterated that:

"9. The scope of the Court's power to quash and set aside proceedings is well-settled to warrant any restatement. While the arguments advanced have the potential to raise many issues for consideration, we must first satisfy ourselves as to the propriety of the exercise of such power by the High Court. The task of the High Court, when called upon to adjudicate an application seeking to quash the proceedings, is to see whether, prima facie, an offence is made out or not. It is not to examine whether the charges may hold up in the Court. In doing so, the area of action is circumscribed. In *Rajeev Kourav v. Baisahab*, it was held:

"8. It is no more *res integra* that exercise of power under Section 482 CrPC to quash a criminal proceeding is only when an allegation made in the FIR or the charge-sheet constitutes the ingredients of the offence/offences alleged. Interference by the High Court under Section 482 CrPC is to prevent the abuse of process of any court or otherwise to secure the ends of justice. It is settled law that the evidence produced by the accused in his defence cannot be looked into by the court, except in very exceptional circumstances, at the initial stage of the criminal proceedings. It is trite law that the High Court cannot embark upon the appreciation of evidence while considering the petition filed under Section 482 CrPC for quashing criminal proceedings. It is clear from the law laid down by this Court that if a prima facie case is made out disclosing the ingredients of the offence alleged against the accused, the Court cannot quash a criminal proceeding." 15. In that view of the matter, we hold that the High Court had improperly quashed the proceedings initiated by the appellant. It stands clarified that we have not expressed any opinion on the matter, and the guilt or innocence of the respondents has to be established in the trial, in accordance with the law. The proceedings out of the subject FIR, mentioned in paragraph 2 are revived and restored to the file of the concerned Court."

13. Reliance is also placed upon judgments passed by the Hon'ble Apex Court in ***Prashant Bharti Vs. State (NCT of Delhi), (2013) 9 SCC 293, Rajiv Thapar and Others Vs. Madan Lal Kapoor, (2013) 3 SCC 330, Anand Kumar Mohatta and Anr. v. State (Government of NCT of Delhi) Department of Home and Anr, AIR 2019 SC 210 and Pramod Suryabhan Pawar v. The State of Maharashtra and Anr, (2019) 9 SCC 608.***

14. Now being guided by the aforesaid proposition of law laid down by the Hon'ble Apex Court, this Court would make an endeavor to examine and consider the prayer made in the instant petition vis-à-vis factual matrix of the case.

15. Admittedly, in the case at hand, 400 boxes of IMFL, 'Golden Tiger', were being transported under valid permit, issued by the Excise Department. It is also not in dispute that though permit issued by the Excise Department was for 400 boxes of IMFL, Golden Tiger, but at the time of checking, 402 boxes of IMFL were recovered, meaning thereby, two boxes of IMFL were being transported without there being any permit. Hence, no illegality otherwise can be said to have been committed by the Police by registering case under Section 39 against the petitioner for his having unauthorisedly/illegally transporting two boxes of IMFL. However, this Court is not persuaded to agree with Mr. Rajan Kahol, learned Additional Advocate General, that on account of recovery of few bottles from

400 boxes, which were allegedly of different batches, petitioner herein is liable to be prosecuted under Section 39 of the Act. It is none of the case of the prosecution that in all bottles contained in 400 boxes, for which permit was issued by the Excise Department, quantity and quality of liquor was different, rather, it is admitted case of the parties that though liquor contained in all bottles packed in 400 boxes was of the same quality and there is no allegation of adulteration, rather, precise allegation against the petitioner is that some of the bottles packed in 400 boxes were of Batch Nos.9 and 14, whereas entire lot of bottles, which ultimately came to be packed in 400 boxes, was of Batch No.15.

16. Having noticed aforesaid discrepancy, investigating agency itself sent a communication dated 31.12.2020 to Deputy Commissioner, State Taxes and Excise, Una, who in turn vide communication dated 06.01.2021 (Annexure P-6) clarified as under:

“ No. EXN-UNA-Excise-2020-21/129
O/o Dy.Commissioner, State Taxes & Excise, Una,
District Una, (HP)

To

The SHO,
Police Station Sadar, Una, District Una.

Dated Una The 6 January, 2021

Subject:Information regarding case FIR No. 467/2020 dated 27/12/2020 under section 39(1) of the HP Excise Act, 2011 at Police Station Sadar, Una.

Sir,

Kindly refer to your office letter No. 4836/5A dated 31/12/2020 on the subject cited above.

In this regard it is submitted that the matter was got inquired through the Asstt. State Taxes & Excise Officer In-charge M/s Mars Bottlers, Vill. Shyampura, Distt. Una who has intimated vide his letter No. EXN-MB-Shyampura/134 dated 5th January, 2021, that the licensee had applied for bottling of IMFL 'Golden Tiger' Batch No. 15 on 25/12/2020 which was allowed. Therefore the bottling for the same was done by the labours engaged by the management. The licensee M/s Mars Bottles has explained the reason for wrong stamping of batch numbers and admitted that it happened due to human error/ unskilled labour. Moreover there is no loss to the Govt. exchequer as all the duties and other levies were duly paid before the dispatch of the consignment.

As far as the question of batch number 14 is concerned, the labels pasted and liquor bottled is of Golden Tiger Whisky whereas the batch number on the labels is of RUM i.e. batch number 14. This happened due to negligence of staff employed by the management.

It is pertinent to mention here that the offence has been committed under section 43 of the HP Excise Act, 2011 and the same is being forwarded to the Collector (Excise), Palampur for penal action.

Enclosed : As Above

Sd/-

Dy. Commissioner, State Taxes & Excise Una,
District Una (HP)"

17. In afore communication, SHO Police Station concerned came to be apprised by Excise authorities that matter was got inquired through the Assistant State Taxes and Excise Officer, Incharge, M/s Mars Bottlers, who has intimated that the licensee had applied for bottling of IMFL 'Golden Tiger' Batch No.15 on 25.12.2020 which was allowed, however, labour engaged in bottling and packing wrongly stamped the Batch numbers, as a result thereof, few bottles of different batches came to be packed in the lot

of Batch No.15. Vide aforesaid communication, it specifically came to be clarified that as far as Batch No.14 is concerned, the labels pasted and liquor bottled of Golden Tiger Whisky, whereas the Batch number on the labels is of RUM i.e. Batch No.14 and this happened due to negligence of staff employed by the management. Though in afore communication, Deputy Commissioner, State Taxes and Excise, Una, apprised SHO of Police Station concerned that offence has been committed under Section 43 of the Act and the same is being forwarded to the Collector (Excise), Palampur, for penal action, but yet qua aforesaid aspect of the matter, investigating officer after having completed investigation, presented Challan in the Court of leaned Judicial Magistrate First Class, Court No.3, Una.

18. At this stage, it would be also apt to take note of communication dated 08.01.2021 (Annexure P-7) addressed by Deputy Commissioner, State Taxes and Excise, Una, District Una, to Judicial Magistrate First Class, Court No.3, Una, who also having noticed aforesaid aspect of the matter sent communication dated 07.01.2021 to Deputy Commissioner, State Taxes and Excise, Una, for clarification. In terms of aforesaid communication, Deputy Commissioner, State Taxes and Excise, Una, District Una, clarified that upon careful examination of the record, it has been found that the consignment of 400 cases of IMFL liquor was being transported under valid permit No.12412200132904 dated 24.12.2020, valid till 26.12.2020 issued by ACSTE (Excise), Shimla and pass

No.12512200164173 dated 25.12.2020 valid upto 27.12.2020, issued by the ASTEO, M/s Mars Bottlers, Shyampura, District Una. While referring to Section 62 of the Act, afore authority clarified to Judicial Magistrate First Class that offence has been committed under Section 39 of the Act and the confiscation order of the vehicle in question on its behalf is not required, but yet his office has no objection, if Court releases the seized liquor. Afore authority further clarified vide afore communication that as far as two cases of IMFL liquor, which were found without pass and permit, is concerned, action as warranted as per law may please be taken.

19. In view of aforesaid communications sent by Department of Excise and Taxation, one thing is apparent that 400 boxes of IMFL were being transported under valid permit and some of the bottles which were found of different batches, though was of Batch No.15, but labour responsible for labelling the Batch number wrongly stamped Batch Nos.9 and 14. On account of aforesaid discrepancy, if any, at the behest of petitioner, offence under Section 43 of the Act can be said to have been committed by the petitioner, qua which penalty can be imposed by Collector, Excise.

20. Though this Court is in agreement with learned Additional Advocate General that qua recovery of two boxes, which were admittedly being transported without permit, case under Section 39 of the Act, lodged against the petitioner is sustainable, but having carefully perused Sections

66 and 67 of the Act, this Court is persuaded to agree with Mr. Neeraj Sharma, learned Senior Counsel representing the petitioner, that same is compoundable. Sections 66 and 67 of the Act read as under:

“66. Composition of offences by the Collector.

(1)The Collector may, on an application from any person who is reasonably suspected of having committed an offence punishable under sections 26, 43, 44, 45, 46, 47 or 59 including the attempts to commit or abet any of these offences under section 50 of this Act, accept a sum of money not exceeding twenty five thousand rupees subject to a minimum of five thousand rupees by way of composition, for each of such offences, and on payment of such sum of money to the Collector, the accused person if in custody shall be discharged and no further proceedings shall be taken against him in respect of such offence.

(2)If any lease, license, permit or pass has become liable for cancellation or suspension or has been cancelled or suspended under clauses (a), (b) or (c) of section 29 of this Act, the authority having power to cancel or suspend it, may, on application made by holder of such lease, license, permit or pass, after payment of such penalty, as it may fix, revoke or fore go such cancellation or suspension, as the case may be.

(3)Where any liquor has been seized under the provisions of this Act, the Collector may, if he considers it expedient but subject to the provisions of section 65, at any time, before the Judicial Magistrate has passed an order under sub-section (2) of section 60, release it on receiving payment of the value thereof, if such liquor is fit for human consumption :Provided that such release of liquor shall not affect the punishment of the accused for the offence for which he is liable under this Act.

67. Composition of certain other offences.

(1)Notwithstanding anything contained in section 39, any offence whether committed before or after commencement of this Act relating to the import, export, transport or possession upto one hundred litres of lagan or upto forty-five bulk litres of liquor, may, on an application made by the accused, be compounded :-

(i) before institution of the prosecution, by the Excise Officer of first class (not below the rank of the Excise Officer Incharge of the district), and
(ii) after institution of the prosecution, by the Judicial Magistrate of the first class, by accepting an amount which shall not be less than five thousand rupees but which shall not exceed twenty-five thousand rupees.

(2) Where an offence has been compounded under sub-section (1), the offender, if in custody, shall be discharged and no further proceedings shall be taken against him in respect of such offence. Provided that if a person commits an offence specified in subsection (1), for more than three times, the same shall not be compounded.

(3) When a case has been compounded under sub-section (1), the Judicial Magistrate of the first class or the Excise Officer of first class (not below the rank of Excise Officer-in-charge of the district), as the case may be, may make such orders as he thinks fit for the disposal of the case property.

21. Section 67 of the Act clearly provides that notwithstanding anything contained in Section 39, any offence relating to the import, export, transport or possession, upto eighteen litres of liquor, may, on an application made by the accused, be compounded by Excise Officer of first class, but before institution of prosecution and thereafter by Judicial Magistrate First Class, before whom prosecution is launched.

22. At this stage, it would be also apt to take note of Section 43 of the Act, which reads as under:

“43. Penalty for certain acts by licensee or his servant.

- Whoever, being the holder of a licence, permit or pass granted under this Act or being in the employ of such holder or acting on his behalf -

(a) allows disorderly conduct or gaming or prostitution on , the licenced premises; or

(b) fails wilfully to produce such license, perm it or pass on demand of any Excise Officers; or

(c)in any case not provided for in section 39, wilfully contravenes any rules made under sections 80 or 81; or

(d)wilfully does or omits to do anything in breach of any of the conditions of the license, permit or pass not otherwise provided for in this Act; or

(e)reduces the strength of any liquor below the prescribed limit;

shall be punishable with fine which may extend to one lakh rupees but shall not be less than fifteen thousand rupees.

23. As per aforesaid provision of law, whoever, being holder of a licence, permit or pass granted under the Act, wilfully does or omits to do anything in breach of any of the conditions of the license, permit or pass not otherwise provided for in the Act or reduces the strength of any liquor below the prescribed limit, shall be punishable with fine which may extend to one lac rupees but shall not be less than fifteen thousand rupees.

24. Since in the case at hand, some of the bottles contained in 400 boxes were found of different batches, coupled with the fact that liquor contained in bottles of different batches was of Batch No.15 as has been clarified by the Excise Department and discrepancy occurred on account of wrong labelling of bottle by the labour employed by the petitioner, petitioner herein can be imposed penalty under aforesaid provision of law by the department itself, as has been clarified by the department repeatedly.

25. For the facts noticed as well as discussion made hereinabove, this Court is convinced that prosecution launched against the petitioner under Section 39 of the Act for his having allegedly transported 400 boxes of IMFL and recovery of some of the bottles of different batches may not

succeed, save and except recovery of two boxes, which are admittedly being transported without permit. Hence, no fruitful purpose would be served by permitting FIR sought to be quashed to sustain, rather in that eventuality, petitioner would be unnecessarily subjected to the ordeal of protracted trial, which is otherwise bound to fail.

26. Since Court has arrived at a conclusion that only case qua two boxes of IMFL is made out against the petitioner, coupled with the fact that such offence can be compounded in terms of Section 67 of the Act, this Court, while quashing and setting aside the FIR as well as consequential proceedings, deems it fit to compound the offence committed by the petitioner, for his having transported two boxes of IMFL without permit, with the direction to petitioner to pay fine of ₹50,000/- for his having transported two boxes of IMFL without valid permit. Ordered accordingly. Needless to say, instant order shall have no bearing on the proceedings, if already initiated against the petitioner under Section 43 of the Act, rather same shall be decided in accordance with law.

The petition stands disposed of in the aforesaid terms, along with all pending applications.

May 06, 2026

Rajeev Raturi

**(Sandeep Sharma),
Judge**