



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.06.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

WEB COPY

CRL.O.P(MD)No.7270 of 2015

and

M.P(MD)No.1 of 2015

1.Ravindrakumar

2.Varunasuthan

3.Murugesan

... Petitioners/Accused Nos.1 to 3

Vs.

1.State rep. by

The Inspector of Police,

Kovilpatti West Police Station,

Thoothukudi District.

(Crime No.243 of 2015).

... 1st Respondent/Complainant

2.K.Narayanasamy

... 2nd Respondent/Defacto complainant

Prayer: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, 1973 praying to call for the First Information Report pertaining to the case in Crime No.243 of 2015 on the file of the first respondent police and quash the same and pass such further or other orders.

For Petitioners : Mr.S.Ramasamy

For R - 1 : Mrs.S.Prabha

Government Advocate (Crl. Side)

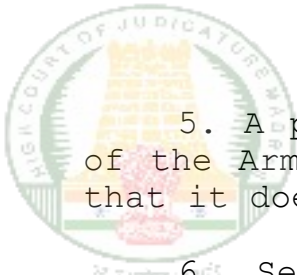
ORDER

This Criminal Original Petition has been filed to call for the First Information Report pertaining to the case in Crime No.243 of 2015 on the file of the first respondent police and quash the same.

2. The petitioners have been arrayed as accused in Crime No.243 of 2015 for the alleged offence under Section 25(1-A) of the Arms Act, 1959.

3. The only allegation made in the complaint is that on inspection made with respect to the Car belonging to the petitioners, a sickle was found.

4. As rightly submitted by the learned counsel appearing for the petitioners, mere a sickle having been found inside the Car, would not attract Section 25(1-A) of the Arms Act, 1959.



5. A perusal of Definitions and interpretation of Section 2(i) of the Arms Act, 1959 which defines 'prohibited arms' would show that it does not include sickle.

6. Section 25(1-A) of the Arms Act, 1959 also deals with "whoever acquires, has in his possession or carries any prohibited arms or prohibited ammunition in contravention of Section 7 shall be punishable with imprisonment for a term which shall not be less than five years, but which may extend to ten years and shall also be liable to fine".

7. When the sickle does not even come within the definition of Section 2(i), resultantly, Section 25(1-A) of the Arms Act, 1959 will not have any application. Furthermore, even as per the allegation, sickle was found only inside the Car, which is not recovered from the hands of the petitioners. There is also no necessity to get any permission or licence for the possession of sickle as mentioned in the First Information report.

8. Considering the same, this Court is inclined to quash the First Information Report.

9. Accordingly, this Criminal Original Petition is allowed and the proceedings in Crime No.243 of 2015 on the file of the first respondent is quashed. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(Writ)

/True copy/

Sub Assistant Registrar

ps

To

1.The Inspector of Police,
Kovilpatti West Police Station,
Thoothukudi District.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to MR.S.RAMASAMY,ADVOCATE IN SR NO.30151

CRL.O.P (MD)No.7270 of 2015
12.06.2015

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