

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.11.2016

CORAM:

THE HON'BLE MR. JUSTICE P.N. PRAKASH

Crl.O.P. No.25950 of 2014 & M.P. No.1 of 2014

Aakanksha Tavag

Petitioner/Accused

vs.

State represented by
the Inspector of Police
S-2 Airport Police Station
Chennai 600 027

(Ref.Cr.No.348/2011 dt. 25.09.2011)

Respondent/Complainant

Criminal Original Petition filed under Section 482, Cr.P.C. seeking to call for the records in P.R.C. No.87/2013 pending on the file of the Judicial Magistrate, Alandur and quash the proceedings.

For petitioner Mr. A. Ramesh, Sr. Counsel
for Mr. K. Ramshankar
For respondent Mr. C. Emalias
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to call for the records in P.R.C. No.87/2013 pending on the file of the Judicial Magistrate, Alandur and quash the proceedings.

2 The petitioner was a passenger travelling from Chennai to Hyderabad by flight 6E 302 on 25.09.2011. She placed her hand baggage at the screening point, where, the screening officer detected a suspicious object and therefore, her hand bag was checked thoroughly in her presence. On checking of her bag, the security personnel recovered one .22 live round bullet and handed over the same with a report to the local police for investigation. Based on the said report, the respondent police registered a case in Crime No.348 of 2011 under Section 3 read with Section 25(1-B) (a) of the Arms Act, 1959 and arrested the petitioner who was released in about a fortnight. After completing the investigation, the respondent police filed a final report in P.R.C. No.87 of 2013 before the Judicial Magistrate, Alandur, seeking quashment of which, the petitioner is before this Court.

3 Mr. A. Ramesh, learned Senior Counsel appearing for the petitioner urged several points in support of his plea for quashing the final report, the most important of which, is the absence of sanction under Section 39 of the Arms Act.

4 Per contra, the learned Additional Public Prosecutor fairly submitted that the police had not obtained sanction under Section 39 of the Arms Act.

5 On a conspectus of the facts obtaining in this case, it is seen that the petitioner, when questioned by the authorities, pleaded her total ignorance as to how that bullet had come into her bag. The investigation conducted by the police also does not disclose her involvement in any unlawful activity. She appears to be a software engineer working with Google in India and is a resident of Hyderabad. There are no previous cases against her. Even when she was interrogated by the security personnel, she was at a loss to understand as to how that stray bullet came into her bag. Of course, the question of mens rea cannot be gone into by this Court in a proceedings under Section 482, Cr.P.C. This Court called for records and found that the prosecution has been filed even without the sanction under Section 39 of the Arms Act.

In view of the above, the entire prosecution in P.R.C. No.87 of 2013 is quashed and this Criminal Original Petition is allowed. Connected CrI.O.P. is closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

cad
To

1 The Inspector of Police
S-2 Airport Police Station
Chennai 600 027

2 The Judicial Magistrate
Alandur, Chennai

3 The Public Prosecutor
High Court
Chennai 600 104

+2 ccs to Mr.K.Ramshankar Advocate sr 62384

CrI.O.P. No.25950 of 2014

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