



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:08.09.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRL.O.P. (MD)No.11886 of 2017 and

CrI.M.P (MD) .No.8174 of 2017

Sakkamaldurai

: Petitioner

-Vs-

1.The State rep. by
The Inspector of Police,
Puliyangudi Police Station,
Thirunelveli District.

2.Aiyappan

: Respondents

PRAYER: Criminal Original petition filed under Section 482 of Criminal Procedure Code, to call for the entire records relating to the FIR in Crime No.204 of 2016 on the file of the first respondent police and to quash the same in so far as the petitioner is concerned.

For Petitioner

: Mr.M.S. Jeyakarthik

For Respondent No.1

: Mr.K.Anbarasan,

Government Advocate (Crl.Side)

O R D E R

This petition is filed to call for the entire records relating to the FIR in Crime No.204 of 2016 on the file of the first respondent police and to quash the same in so far as the petitioner is concerned.

2. The first respondent herein registered a complaint in Crime No.204 of 2016 for the alleged offences under Sections 147, 148, 294 (b), 506(ii) of IPC and Section 25(1)(a) of Arms Act, 1959 against the petitioner. The second respondent is also the Inspector of Police, Puliyangudi Police Station, Thirunelveli District.

3. A reading of First Information Report clearly reveals the commission of offence under Sections 147, 148, 294(b), 506(ii) of IPC. The Inspector of Police, who came to the spot arrested seven accused and seized weapons from them.

4. The learned counsel appearing for the petitioner relied upon 25(1) of Arms Act and submitted that the possession of arms will not attract provision of Section 25 of the Arms Act. The contention of the petitioner before this Court is not seriously disputed by the learned Government Advocate (Crl. Side) in view of Section 25(1)(a) of Arms Act. However, no doubt can be entertained as to the

commission of offence attracting other provisions.

5. In the facts and circumstances of the case, this Court is of the view that the probability or otherwise of the case cannot be decided at this stage. Except denying the averments made in the complaint, no legal ground is raised. On the facts, the case which was registered as against the petitioner is a counter case, the learned counsel appearing for the petitioner has not pointed out any other serious infirmity. Hence, the Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

To

1.The Inspector of Police,
Puliyangudi Police Station,
Thirunelveli District.

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

+1cc to Mr.M.S.JEYAKARTHIK Advocate in SR. No. 77984

TRP

JS/SKN.RSK/SAR.1/19.09.2017/2P-4C

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