



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.09.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRL.OP.(MD)No.12383 of 2017 and
CRL.M.P.(MD)No.8553 of 2017

M.Muthukumar

...Petitioner/Accused No.2

Vs.

1. The State rep. by,
The Inspector of Police,
Saptoor Police Station,
Madurai District.
(Crime No.108 of 2012)

... Respondent No.1/Complainant

2. Karumanayan

... Respondent No.2/Defacto Complainant

PRAYER: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to call for records connected with the First Information Report in Crime No.108 of 2012 on the file of the respondent No.1 and to quash the same as illegal as against the petitioner.

For Petitioner
For R-1

: Mr.R.Alagumani
: Mr.K.Anbarasan,
Government Advocate(Criminal Side).

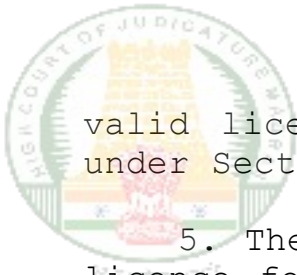
O R D E R

This Criminal Original Petition is filed for quashing the First Information Report in Crime No.108 of 2012 on the file of the respondent No.1 as against the petitioner.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Criminal Side) appearing for the first respondent.

3. The petitioner states that he is the second accused in Crime No.108 of 2012 pending on the file of the first respondent.

4. The case of the prosecution is that on 25.08.2012 at 11.50 p.m., when the officer of the Forest Ranger of Saaptoor and his associates were in a routine inspection within forest area, the petitioner and others were found with a car and a gun. Though the petitioner and others were in outside the territory of forest area, the petitioner and others were holding a gun without any



valid licence, and hence a case was registered for the offence under Section 25(1) (a) Indian Arms Act r/w 3 of Indian Arms Act.

5. The petitioner states that the petitioner has produced the licence for the gun and that therefore, he has not committed any offence.

6. The learned Government Advocate(Criminal Side) pointed out that the licence of the gun stands in the name of one Thangasamy and however, the gun was not in the possession of the said Thangasamy at the time of confiscation. He further submitted that neither the petitioner nor any of the person from whom, the gun was recovered has license to use or to possess the gun under the provisions of Indian Arms Act.

7. In such circumstances, the petitioner has not made out any case for quashing the proceedings. Hence, the Criminal Original petition is dismissed. Consequently, connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar(P&A)

/True Copy/

Sub Assistant Registrar

To

1. The Inspector of Police,
Saptoor Police Station,
Madurai District.

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

CRL.OP.(MD)No.12383 of 2017
20.09.2017

PMU

JM/MR KKR/SAR 1/25.10.2017/2P/3C