



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.06.2017

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THE HON'BLE MR.JUSTICE P.N.PRAKASHCrl.O.P.(MD) No.4125 of 2017
and Crl.M.P.No.2991 of 2017

Arokiyaraj

... Petitioner

-vs-

1.State rep. by

The Inspector of Police,
Devakottai Town Police Station,
Sivagangai District
Crime No.249 of 2016

2.Vadivel

Village Administrative Officer,
No.11, Kannankottai Group
Devakottai.

3.The Sub Collector,

Devakottai
Sivagangai District

... Respondents

(R3 impleaded as per the order of this Court
dated 17.04.2017 in Crl.M.P.No.3267/2017)

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., praying to call for the records in Crime No.249 of 2016 on the file of the 1st respondent and quash the same in the interest of justice.

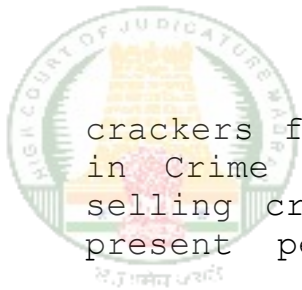
For Petitioner : Mr.C.Muthusaravanan

For Respondents : Mr.K.Anbarasan
Government Advocate (Crl. side)

O R D E R

Admittedly, the petitioner was issued with license to sell crackers from time to time by the Revenue Divisional Officer under Section 155 of the Explosives Rules 2008. The last of the license was given upto 31.03.2016. According to the petitioner, he had paid the necessary fee for renewal of the license on 21.01.2016 in

<https://hcservices.ecourts.gov.in/hcservices/> and has also obtained a receipt for the same. The petitioner was under the impression that his license will automatically be renewed. However, while he was dealing with the



crackers for the Diwali, the respondent police registered a case in Crime No.249/2016 on 05.10.2016 against the petitioner for selling crackers without license. The petitioner has filed the present petition to quash the FIR.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. side) for the respondents.

3. On a perusal of the files produced from the Office of the Revenue Divisional Officer, it is seen that the petitioner has deposited the renewal fee on 21.01.2016 itself in the Treasury and he has submitted the application for renewal on 07.03.2016, well before the expiry of existing license on 31.03.2016.

4. Rule 112(5) of the Explosives Rules, 2008, stated as follows:

"5.If the application for renewal reaches the renewing or licensing authority on or before the date of expiry, the licence shall be deemed to be in force until such date as the licensing authority renews the licence or until an intimation that the renewal of the licence is refused has been communicated to the applicant."

5. During the pendency of the renewal application, the present FIR has been registered, which, in the considered opinion of this Court, cannot be countenanced.

6. In the result, this petition is allowed and the FIR in Crime No.249/2016 is hereby quashed. Consequently connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(T&P)

/True Copy/

Sub Assistant Registrar.

To:

1.The Inspector of Police, Devakottai Town Police Station,
Sivagangai District

2.The Sub Collector, Devakottai, Sivagangai District

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

+1CC to M/S.C.Muthu Saravanan, Advocate, SR.No.59726



AM/MR/SAR 2/19.06.2017/2P/5C

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