



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.12.2021

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P. (MD)No.12779 of 2021 and

CRL.M.P. (MD)No.6579 of 2021

WEB COPY

1. Veerapandian

2. Manikandan

... Petitioners / Accused Nos.3 & 4

Vs.

1.State rep. By,

Sub Inspector of Police,  
Vembakottai police station,  
Virudhunagar District.  
(Crime No.119 of 2021)

... 1<sup>st</sup> Respondent / Complainant

2.Brindha Devi,

Village Administration Officer,  
Salvarpatti Village,  
Sivakasi Taluk,  
Virudhunagar District.

... 2<sup>nd</sup> Respondent /  
Defacto Complainant

3.Sathish Kumar,

Sub Inspector of Police,  
Vembakottai police station,  
Virudhunagar District.

... 3<sup>rd</sup> Respondent

**Prayer:** Criminal Original petition is filed under Section 482 of Cr.P.C, to call for the records in Crime No.119 of 2021 on the file of the first respondent and quash the same in so far as the petitioners are concerned and without jurisdiction.

For Petitioners

: Mr.M.Jothibas

For R-1

: Mr.E.Antony Sahaya Prabahar,  
Additional Public Prosecutor.

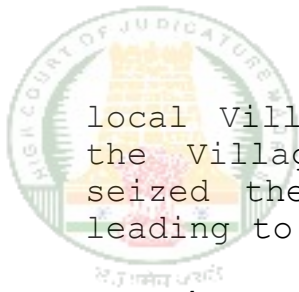
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### O R D E R

Heard the learned counsel on either side.

2. This criminal original petition has been filed for quashing the impugned First Information Report.

3. The case of the prosecution is that the petitioners were manufacturing fire crackers without appropriate license. The First Information Report has been registered based on the complaint of the



local Village Administrative Officer, Salvarpatti Village. It was the Village Administrative Officer who inspected the premises, seized the offending goods and thereafter lodged an information leading to registration of the impugned First Information Report.

4. As per Rule 128 of the Explosive Rules 2008, a police officer not below the rank of Sub Inspector of Police can alone seize, detain or remove the explosive articles. In this case, it was the Village Administrative Officer who had done the entire preliminary works; he was not authorised to do so. Therefore, the registration of the impugned First Information Report is illegal and the same is quashed.

5. This criminal original petition is allowed. The benefit of this order will ensure in favour of the non-petitioning accused also. Consequently, connected M.P. is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

PMU

**Note:** In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

**To:**

- 1.The Sub Inspector of Police,  
Vembakottai police station,  
Virudhunagar District.
- 2.The Village Administration Officer,  
Salvarpatti Village,  
Sivakasi Taluk, Virudhunagar District.
- 3.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court, Madurai.

+1 CC to MR.M.JOTHI BASU (G.M.LAW OFFICE), Advocate  
(SR-39559[F] dated 20/12/2021)

Crl.O.P. (MD)No.12779 of 2021  
17.12.2021

KM(CO)

GC(21.01.2022) 2P 5C