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Crl.O.P.No.15626 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.10.2022

CORAM

THE HON'BLE Dr.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.15626 of 2019

and

Crl.M.P.No.7770 of 2019

R.Varadharajan

... Petitioner

-Vs.-

1.State rep by

The Inspector of Police,
Perambalur Police Station,
Perambalur District.

2.S.Prithiviraj,

Inspector of Police,
Perambalur Police Station,
Perambalur District.

3.Ravindran,

Deputy Superintendent of Police,
Perambalur.

.. Respondent

[**3rd respondent is deleted as per the order in Crl.O.P.No.15626 of 2019 and Crl.M.P.No.7770 of 2019 dated 26.06.2019]



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Criminal Original Petition filed under Section 482 of Code of Criminal Procedure to call for the records and quash the First Information Report in Crime No.178 of 2019 on the file of the first respondent.

For Petitioner :Mr.T.Sai Krishnan

For Respondent :Mr.N.S.Suganthan
Government Advocate (Criminal side)
for R1
No appearance, for R2 and R3

ORDER

This Criminal Original Petition has been filed to quash the FIR No.178 of 2019, *suo motu* registered by the Inspector of Police, Perambalur, against this petitioner for offences under Section 25(1B)(a), 27(1) and 30 of Arms Act, 1959.

2. The short point involved in this case is that the FIR registered against the petitioner is a motivated case to arrest him and to harass him due to imperious of one Rathina Ashok, who was inimical towards the petitioner in respect of conducting Rifles Club in Trichy and Perambalur District.



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3. The petitioner herein contends that he is an office bearer of Perambalur Rifle Club. He possess gun license as well as license to trade the guns. In view of the expiry of his license, he applied for renewal and pending renewal of his license, the Collector had directed the police to verify and submit the verification report. Meanwhile, the license period expired and also in view of the general allegations, the petitioner had surrendered the Arms to the respondent police and awaiting for renewal. While so, without considering the records, a false case has been foisted against the petitioner and he was arrested on the behest of the said Rathina Ashok, who is inimical towards the petitioner.

4. This Court on perusing the records and the FIR finds that the FIR itself is contrary to the facts as if the petitioner is being in the possession of gun and also running illegal trade in arms without any proper documents. On considering the facts that the petitioner has a license to trade arms as well as license to possess arms and only in pursuant to his application for renewal, the Collector has forwarded the papers to the police for verification, it is made clear that the averments found in the FIR is *ex facie* lopsided and motivated.



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5. For the said reasons, this Court finds that this is a clear case of malicious prosecution and hence it is liable to be quashed. Accordingly, this Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is also closed.

11.10.2022

Speaking/Non-speaking order
Index: Yes/No
Internet : Yes/No
nsa

To

1. The Inspector of Police,
Perambalur Police Station,
Perambalur District.
2. The Public Prosecutor,
High Court, Madras.



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Dr.G.JAYACHANDRAN.J.,

nsa

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and Crl.M.P.No.7770 of 2019

11.10.2022