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CrL.OP.No.15094 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

CrL.OP.No.15094 of 2024

and

CrL.MP.No.9238 of 2024

1. P.S.R.Bhaskar Paul
2. M.Mahesh
3. J.Jebasingh Samuel
4. J.Jebadurai Benieal

... Petitioners

Vs.

1. State by rep
The Inspector of Police,
Thiruporur Police Station,
Chengalpattu District.

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to quash the FIR pending against these petitioners in Cr.No.568 of 2023 on the file of the Inspector of Police, Thiruporur Police Station, Chengalpatur District and the same is pending before the learned District Munsif-Cum-Judicial Magistrate, Thiruporur, Chengalpattu District.

For Petitioners : Mr.R.Vijaya Kumar

For Respondents : Mr.S.Udaya Kumar
Government Advocate (CrL.Side)



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ORDER

This Criminal Original Petition is filed to quash the complaint in Cr.No.568 of 2023 on the file of the Thiruporur Police Station, Chengalpet District.

2. The learned counsel for the petitioner submits that there is an inherent defect in the registration of the FIR besides factual errors which warrants interference by this Court exercising power under Section 482 of Cr.P.C.

3. The learned for the petitioners further submits that the complaint registered by the Inspector of Police, on his own information was only against single accused Kamaraj Paul for alleged possession of double barrel gun with 61 bullets and a Air gun with 164 bullets. However, subsequently, based on the confession statement alleged to have been given by the accused Kamaraj Paul, these two petitioners were arrested and remanded before the learned Judicial Magistrate on 24.01.2024. They were released on bail on the same day by the Magistrate. Observing that the reasons to remand given by the Investigating Officer is not satisfactory.



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4. The learned for the petitioners further submits that the case been registered under Section 25(1B)(a) of Arms Act,1959 which primarily deals with possession of arms. Whereas admittedly, the case of the prosecution would show that these two petitioners never had in their possession any arm or no Arm recovered from them. Even on that score, the complaint is liable to be quashed.

5. The learned Government Advocate(Crl.Side) appearing for the respondent police on instructions from the Investigating Officer submits that on 26.11.2023, during the routine check up, A1 Kamaraj Paul was intercepted. He fleded barrel gun and throwing the air gun along with bullets. The first two petitioners were apprehended on 07.01.2024. The 3rd and 4th petitioners have obtained anticipatory bail. Based on the materials collected in the course of investigation, necessary charges will be altered and final report will be filed. The learned Government Advocate(Crl.Side) further submits that within a period of one month, investigation will be completed.

6. On considering the rival submissions, this Court records that registration of FIR on the information by the Inspector of Police based on



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his source information. This cannot be held illegal. Investigation is not done by the person who has registered the FIR. The confession Statement of the coaccused is the source information to suspect and link the petitioner herein to the arms recovered. The coaccused statement is sufficient to the respondent police to conduct investigation. Hence, this Criminal Original Petition is baseless and liable to be dismissed.

7. In the result, CrI.OP.No.15094 of 2024 is dismissed. The respondent police is directed to complete the investigation within reasonable time preferably within a period of 30 days and file the final report. Consequently, the connected miscellaneous petition is closed.

27.06.2024

Vv

To

1. The District Munsif-Cum-Judicial Magistrate,
Thiruporur, Chengalpattu District.
2. The Inspector of Police,
Thiruporur Police Station,
Chengalpattu District.
3. The Public Prosecutor,
High Court of Madras, Chennai.



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Dr.G.JAYACHANDRAN,J.

Vv

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