



WEB COPY



CrI.O.P.No.20128 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.08.2024

CORAM

THE HONOURABLE DR.JUSTICE **G.JAYACHANDRAN**

CrI.O.P.No.20128 of 2024
& CRL.M.P.Nos.11672 & 11673 of 2024

1.Mahendran
2.Chandru
3.Manokaran
4.Rajkumar
5.Muruges

... Petitioners

Vs.

1.State rep. by
The Inspector of Police,
Perumanallu Police Station,
Tiruppur District.
(Cr.No.79 of 2021)

2.The Village Administrative Officer,
Perumanallur Panchayat,
Tiruppur District.

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C.,
r/w. Section 528 of BNSS Act, to call for the records and quash the
charge sheet in C.C.No.59 of 2024 on the file of the Judicial Magistrate,
Avinashi in Crime No.79 of 2021 on the file of the 1st Respondent police
and quash the same.



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For Petitioner : Mr.C.S.Saravanan
For R1 : Mr.S.Udayakumar,
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition is filed to quash the final report for offences under Section 25(1B)(a), 27(1), 29(a), 35 of Arms Act and Sections 284, 338 of IPC.

2.The learned counsel appearing for the petitioners would submit that single barrel gun carried for hunting misfired and caused injury to A5. There was no intention to cause any hurt. Therefore, the final report be quashed since no proper investigation was conducted by the investigating officer. The learned counsel would further submit that the second and fourth petitioners belong to Narikuravar community and it is their tradition to keep guns for hunting and hunting is their only source of livelihood. Therefore, they cannot be prosecuted for having a gun, since they are nomads.

3.The learned Government Advocate (Crl. Side) submits that



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though hunting is prohibited only in respect of few wild and extinct animals and birds, use of single barrel gun is totally prohibited. Since one of the accused who went for hunting got injured while engaged in rabbit hunting, the Police have registered a case under Section 25(1B)(a), 27(1), 29(a), 35 of Arms Act and Sections 284, 338 of IPC and filed final report.

4.Considering the facts of the case, though the learned counsel for the petitioners claims that Narikuravar community depend on hunting for their livelihood, the carrying of single barrel gun being prohibited, the case against them cannot be quashed, since commission of cognizable offence is clearly made out.

5.Hence, the Criminal Original Petition is dismissed.
Consequently, the connected miscellaneous petitions are closed.

27.08.2024

Index : Yes/No
Neutral Citation : Yes/No
Tsg

Dr.G.JAYACHANDRAN,J.

Tsg



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To
WEB COPY

- 1.The Inspector of Police,
Perumanallu Police Station,
Tiruppur District.
(Cr.No.79 of 2021)
- 2.The Village Administrative Officer,
Perumanallur Panchayat,
Tiruppur District.
- 3.The Public Prosecutor,
High Court, Madras.

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