



Crl.O.P(MD).No.20831 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.06.2024

CORAM :

THE HON'BLE MR JUSTICE A.A.NAKKIRAN

Crl.O.P(MD).No.20831 of 2021 and
Crl.M.P(MD).Nos.11936 and 11937 of 2021

Manikandan

... Petitioner

Vs.

1.State rep. by
The Inspector of Police,
Rajakkamangalam Police Station,
Kanyakumari District.
(Crime No.740 of 2019)

2.Ushadevi

... Respondents

PRAYER:- Petition filed under Section 482 Cr.P.C., to call for the records pertaining to the case in C.C.No.321 of 2020 on the file of the learned Judicial Magistrate No.I, Nagercoil, Kanniyakumari District and quash the same.

For Petitioner : Mrs. C. Geetha

For respondent No.1 : Mr. K. Sanjai Gandhi

Government Advocate (Crl. side)

For 2nd respondent : No appearance



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ORDER

This Criminal Original Petition has been filed to call for the records pertaining to the case in C.C.No.321 of 2020 on the file of the learned Judicial Magistrate No.I, Nagercoil, Kanniyakumari District and quash the same as against the petitioner.

2. The petitioner is the 2nd accused in C.C.No.321 of 2020, on the file of the learned Judicial Magistrate No.I, Nagercoil, Kanniyakumari District. The Village Administrative Officer, Neendakarai, lodged a complaint before the first respondent Police stating that fire works materials had been kept in the house of the petitioner. Therefore, the first respondent Police registered a case in Crime No.74 of 2019 for the offences Under Section 286 IPC and Section 9(B)(i)(b) of Explosives Act and it was taken on file in C.C.No. 321 of 2020 on the file of the Judicial Magistrate No.I, Nagercoil.

3. The learned counsel appearing for the petitioner submitted that there is no evidence that the fireworks items including crackers had been jointly stored by the petitioner and his brother viz., Kathiravan as



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alleged and no such fire works materials were seized from the house of the petitioner. He further contended that the sample of explosive items alleged to have been seized was not sent to forensic department for Chemical Analysis and he prays for allowing this petition.

4. The learned Government Advocate (Crl. Side) appearing for the first respondent would submit that without having a valid licence, the petitioner herein has illegally found in a possession of 4 kgs of explosives viz., “கரிமருந்து” in his house, but, the same was not sent for chemical analysis. He would further submit that the petition filed by the co-accused viz., A1, who is the brother of the petitioner, filed a petition in Crl.O.P(MD).No.15991 of 2020 and the same was allowed by this Court on 21.11.2023.

5. Heard the learned counsel appearing on side and perused the materials available on record.

6. Considering the facts and circumstances and also considering the fact that the first respondent Police has not followed the proper procedure by sending the sample of the explosive items to the



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Forensic Department for chemical analysis and that the petition filed by the co-accused viz., A1 was allowed by this Court on 21.11.2023 in Crl.O.P(MD).No.15991 of 2020, this Court is inclined to quash the proceedings in C.C.No.321 of 2020 on the file of the learned Judicial Magistrate No.I, Nagercoil, Kanniyakumari District as against the petitioner.

7. Accordingly, this Criminal Original Petition is allowed and the proceedings in C.C.No.321 of 2020 on the file of the learned Judicial Magistrate No.I, Nagercoil is hereby quashed as against the petitioner. Consequently, the connected Miscellaneous Petitions are closed.

14.06.2024

Internet : Yes / No

Index : Yes / No

Speaking / Non Speaking order

trp



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To

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1. The Judicial Magistrate No.I, Nagercoil, Kanniyakumari District.
2. The Inspector of Police,
Rajakkamangalam Police Station,
Kanyakumari District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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A.A.NAKKIRAN, J.

Trp

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14.06.2024