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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.02.2025

CORAM:

THE HON'BLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

CrI.O.P.No.4427 of 2024
& C.M.P.No.3240 of 2024

Thendral Raja

... Petitioner/A1

Vs.

1.The State rep. by
The Inspector of Police,
S7, Madipakkam Police Station,
St.Thomas Mount,
Chennai.

2.V.Manogaran

... Respondents

Prayer: Criminal Original Petition filed under section 482 of Criminal Procedure Code, to call for records and quash the FIR in Crime No.127 of 2012 on the file of the 1st respondent viz., The Inspector of Police, S7, Madipakkam Police Station, St. Thomas Mount, Chennai.

For Petitioner : Mr.T.R.Sivaram

For R1 : Mr.A.Gopinath
Government Advocate (Crl. Side)

**ORDER**

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This Petition has been filed to quash the FIR registered in Crime No.127 of 2012 on the file of the first respondent.

2. Heard learned counsel for the petitioner and the learned Government Advocate (Crl.Side). Though notice is served on the second respondent, the second respondent has failed to appear before this Court either in person or through counsel.

3. The case of the prosecution is that the second respondent/defacto complainant who was working as 16th Municipal Ward Member of Chennai, alleged that the petitioner along with henchman about 10 to 15 persons were roaming with deadly weapons such as knives and sickles in three vehicles. When they were intercepted by the second respondent, they had abused him and also threatened him with dire consequences, thereafter, they fled towards Pallavaram. On the complaint lodged by the second respondent, the first respondent registered the FIR in Crime No.127 of 2012 for the offences under Sections 25(1-A) r/w 4 of the Arms Act, 1959 and Section 506(ii) of IPC.



4. According to the second respondent, the petitioner and his henchmen were in possession of knives & sickles and threatened him with dire consequences. The provision under Section 25(1-A) of the Arms Act, 1959 says that '*whoever acquires, has in his possession or carries any prohibited Arms or Prohibited Ammunition in contravention of Section 7 shall be punishable with imprisonment for a term which shall not be less than 7 (seven years which may extend to fourteen years) and shall also be liable to fine*'. The Prohibited Arms is defined under Section 2(1)(i) of the Arms Act. Accordingly, the alleged possession of knife and sickles are not included in the Prohibited Arms. Therefore, the allegations as against the petitioner does not constitute any offence under Section 25(1-A) of the Arms Act.

5. Further, insofar as the offence under Section 506(ii) of IPC, mere act of abusing a person in filthy language does not satisfy the ingredients of the offence of Criminal Intimidation to attract the offence under Section 506 of IPC, it has to be established that the accused had intention to cause harm to the complainant.



6. Further on perusal of the FIR, the allegations are general and omnibus in nature and as such, it cannot be sustained and liable to be quashed. That apart, Crime No.127 registered in the year 2012, it is pending for the past 13 years without completion of investigation and filing of final report and there is absolutely no explanation whatsoever for the delay in investigation by the first respondent. In view of the above, the FIR in Crime No.127 of 2012 cannot be sustained and liable to be quashed.

7. Accordingly, the FIR in Crime No.127 of 2012 is hereby quashed and this Criminal Original Petition is allowed. Consequently, connected Miscellaneous Petition is also closed.

19.02.2025

Internet : Yes / No

Index : Yes / No

Speaking / Non Speaking order

rkp

To

1.The Inspector of Police,
S7, Madipakkam Police Station,
St.Thomas Mount, Chennai.

2.The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN, J.

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