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CrL.O.P.No.5154 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.02.2025

CORAM

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

**CRL.O.P.No.5154 of 2025**

**and**

**CRL.M.P.No.3340 of 2025**

Rameshkumar

....

Petitioner

Vs

1.State Rep by  
Inspector of Police,  
Vaitheeswarankoil Police Station,  
Mayiladuthurai District,  
Tamil Nadu. (FIR No.295 of 2024).

2.K.Suriyamoorthi

....

Respondents

**Prayer:** Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records and quash the FIR in Crime No.295 of 2024 on the file of the Vaitheeswarankoil Police Station, Mayiladuthurai District as against the Petitioner.

For Petitioner : Mr.M.Ragul Kousik

For R1 : Mr.A.Gopinath,  
Government Advocate (Criminal Side)  
for R1



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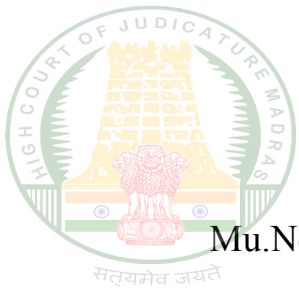
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## **ORDER**

This petition has been filed to quash the FIR in Crime No.295 of 2024 on the file of the first respondent.

2. The case of the prosecution is that on the complaint lodged by the second respondent/defacto complainant who is Sub Inspector of Police of the first respondent Police Station, alleging that the petitioner was in illegal possession of 30 kgs of Explosive Substances which include 8 kgs of Rockets, 12 Kgs of Atom Bomb and other crackers.

3. On perusal of the records, the petitioner owned a Crackers Shop in S.No.159/4 situated at Karkovil Village, Sirkazhi Taluk, Mayiladuthurai District in the name of “Vanavedi and Pattasu” bearing GST. No.33DBBPR0867R1Z1 and obtained license No.02/2019-2020 and the license has also been extended from 01.10.2022 to 30.09.2025. The petitioner has license to possess crackers not exceeding 100 kgs as per the license. He is also running a wholesale shop under proper license after obtaining No Objection Certificate for his shop from the District Fire and Rescue Department, Nagapattinam vide proceedings in



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Mu.No.7521/AAA1/2021 and Ta.Ee.Sa.No.147/2021 dated 23.08.2021.

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Without verifying the licence and other No Objection Certificates, the second respondent lodged a complaint and the respondent police has registered FIR in Crime No.295 of 2024 under Section 9(B)(1)(a) of the Indian Explosive Act, 1884. Therefore, the allegations levelled as against the petitioner cannot be accepted for the reasons that the allegation did not constitute any offence or make out a case as against the petitioner.

4. In view of the above, the FIR in Crime No.295 of 2024 on the file of the first respondent is liable to be quashed. Accordingly, this Criminal Original Petition is allowed. Consequently, connected Miscellaneous Petition is closed.

**25.02.2025**

rkp  
Index: Yes/No  
Internet: Yes/No

**G.K.ILANTHIRAIYAN,J.**  
rkp



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To

1.The Inspector of Police,  
Vaitheeswarankoil Police Station,  
Mayiladuthurai District,  
Tamil Nadu.

2.The Public Prosecutor,  
High Court, Madras.

**CRL.O.P.No.5154 of 2025**  
**and**  
**CRL.M.P.No.3340 of 2025**

25.02.2025