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Crl.O.P.No.5184 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.5184 of 2025

and

CRL.M.P.No.3355 of 2025

T.Pandiyan

....

Petitioner

Vs

1.State Rep by
The Inspector of Police,
Jayankondam Police Station,
Ariyalur District.

2.Suthamathi

....

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.531 of 2023 pending investigation on the file of the first respondent.

For Petitioner : Mr.K.Gandhikumar

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



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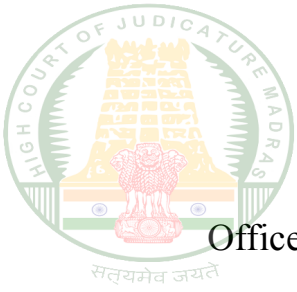
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ORDER

This Petition has been filed to quash the FIR registered in Crime No.531 of 2023 on the file of the first respondent upon the complaint lodged by the second respondent.

2. The first respondent has registered FIR in Crime No.531 of 2023 for the offence under Sections 285 & 286 of IPC and under Section 4(b) of Explosives Substances Act, 1908 alleging that on 03.11.2023, the second respondent inspected the petitioner's shop which was run by the petitioner in the name and style of 'Pandian Pattasu' under Licence No.9/2006-07. On inspection, the second respondent found that the petitioner was in possession of 'Nattu Pattasu' without any safeguards, viz., Vallai Sakku Athirvedi- 3 bags-87 Kgs worth about Rs.12,000/-, Sanal Vedi – 13 bags- 221 kgs worth about Rs.32,500/-, Vellai Sakku Nattuvedi 9 bags-243 kgs worth about Rs.36,000/-, totalling in all 550 kgs worth about Rs.80,000/-.

3. On perusal of the records and also submissions made by the learned counsel for the petitioner, it is revealed that after Registration of the FIR, license of the petitioner was suspended by the District Revenue



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Officer (DRO), Ariyalur by its proceedings vide Na.Ka.C2/7635/2023

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dated 06.11.2023. Thereafter, the petitioner has given a representation requesting to revoke the suspension of license order. Based on the petitioner's representation, the Taluk Level Committee inspected the petitioner's godown and submitted a report stating that 'there is no violation'.

4. Further, the Tahsildar visited the Petitioner's shop and verified all the relevant documents and materials and sent a report to DRO, stating that 'there is no connection to the petitioner with the Godown'. Then after the said recommendation for the revocation of suspension of licence, the DRO, Ariyalur has revoked suspension of license and permitted the petitioner to do his cracker business by its proceedings dated 06.08.2024.

5. The only allegation against the petitioner is that he was found in possession of Nattu Pattasu without any safety measures and also in excess quantity. During the enquiry by DRO, it was found that the crackers which were found in possession does not belong to the petitioner, he is no way connected with the crackers. That apart, the



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petitioner has not violated any Rules as stipulated in the licence condition. Therefore, the FIR in Cr.No.531 of 2023 on the file of the first respondent cannot be sustained and liable to be quashed.

6. Accordingly, this Criminal Original Petition is allowed.

Consequently, connected Miscellaneous Petition is also closed.

25.02.2025

rkp

Index:Yes/No

Internet:Yes/No

To

1.The Inspector of Police,
Jayankondam Police Station,
Ariyalur District.

2.The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN,J.
rkp

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