



Crl.O.P.(MD)No.1527 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 02.09.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD).No.1527 of 2024

and

Crl.M.P.(MD).No.1054 of 2024

1.Duraipandiyan

2.Packiaraj

... Petitioners/Accused No.1 & 2

Vs.

1.The Inspector of Police,
Somarasampettai Police Station,
Somarasampettai,
Trichy-102,
Trichy District.
(In Crime No.243 of 2011)

... 1st Respondent/Complainant

2.S.Saminathan,
Special Sub-Inspector of Police,
Somarasampettai Police Station,
Somarasampettai,
Trichy-102,
Trichy District.

...2nd Respondent/Defacto
Complainant

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records in Crime No.243 of 2011 on the file of the first respondent police, quash the same.



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For Petitioners : Mr.R.Sundar
For R-1 : Mr.K.Sanjai Gandhi
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed to quash the FIR in Crime No.243 of 2011 registered for the offences under Section 353 of IPC read with Section 20 and 27 of the Indian Arms Act, 1959.

2. The allegation in the FIR is that when the respondents were on patrol duty, on 26.08.2011, at about 11.30 PM, the petitioners, who were travelling in a Scorpio car, were intercepted and a search was conducted. During the search, three knives (Aruval) with lengths ranging from 2 to 2.5 feet were found in the car and when enquired, the petitioners herein failed to provide a satisfactory reply and therefore, they had committed the alleged offences.

3. The learned counsel for the petitioners would submit that the allegation against the petitioners is false and the registration of the FIR is attended with malafides; that the petitioners were implicated in a false case because they had not paid illegal gratification to the then Inspector of Police at



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the relevant point of time; that the said fact is substantiated by another complaint given by the first petitioner and a successful trap was laid to apprehend the said Inspector of Police, one Samuel Gnanam and an FIR was registered in Crime No.30 of 2011.

4. The learned counsel would further submit that pursuant to registration of the said FIR, investigation was conducted by the Inspector of Police, Vigilance and Anti-Corruption, Trichy and a final report was also filed, in which, it is stated that the said Samuel Gnanam had demanded bribe from the first petitioner. The learned counsel also pointed out to the deposition of the first petitioner in Special Case No.19 of 2013, which is pending against the said Samuel Gnanam and submitted that the petitioners had established that the case lodged by the said person, which is registered in the impugned FIR, is a false case. The learned counsel would further submit that the registration of the FIR under Section 20 of the Arms Act is misconceived as it is not an offence and since no progress has been made in the investigation for the past 14 years, the petitioners' right under Article 21 of the Constitution of India is violated and sought for quashment of the FIR.

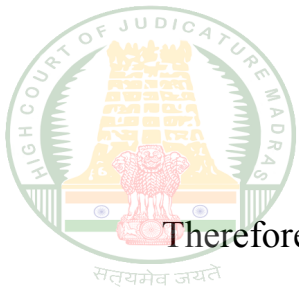


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5. Per contra, the learned Additional Public Prosecutor would submit that the final report has not been filed upon investigation in the impugned FIR; that the FIR could not be investigated as all the records relating to this FIR were seized by the Inspector of Police, Vigilance and Anti-Corruption during the course of investigation in the complaint filed against the said Samuel Gnanam and that the delay in the investigation and in filing of final report cannot be attributed to the respondents.

6. This Court had perused the impugned FIR and the connected records produced by the petitioners. Admittedly, the FIR was registered by the respondents on 27.08.2011, when the said Samuel Gnanam was the Inspector of Police. Thereafter, the first petitioner had lodged a complaint against the said Samuel Gnanam alleging demand of bribe of Rs.50,000/- by him in order to refrain from filing further cases against the first petitioner or detaining him under Preventive Detention Laws. A trap was consequently laid and the Inspector of Police, Vigilance and Anti-Corruption found that the complaint as regards demand of bribe was true. In fact, a final report has also been filed against the said Samuel Gnanam. The trial is in progress in the said case in Special Case No.19 of 2013 and the petitioners had also deposed as witnesses.



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Therefore, the submission of the learned counsel for the petitioners that the action in registering a FIR against the petitioners is malafide and false is well founded.

7. That apart, the respondents had not conducted any investigation on the said FIR so far. The FIR has been registered under Section 20 and 29 of Indian Arms Act. Section 20 is not an offence. It falls under the Chapter “Powers and Procedure” and empowers “Arrest of persons conveying arms, etc., under suspicious circumstances”. Therefore, the registration of FIR under Section 20 of the Arms Act is misconceived.

8. It is well settled that the Courts can look into attending circumstances in order to ascertain whether the proceedings are frivolous or vexatious. The attending circumstances in this case, as observed earlier, are that the first petitioner had lodged a complaint against the then Inspector of Police for demand of bribe, who has since been charge sheeted and is facing trial for demand of bribe.

9. The fact that respondents have not taken any steps to conduct investigation on the FIR filed against the petitioners also fortifies the case of



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the petitioners. In such view of the matter, this Court finds that the impugned FIR is manifestly attended with malafide and has been instituted with an ulterior motive and is accordingly liable to be quashed and hence quashed.

10. This Criminal Original Petition is allowed accordingly. Consequently, connected miscellaneous petition is closed.

02.09.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
Lm

To

- 1.The Inspector of Police,
Somarasampettai Police Station,
Somarasampettai,
Trichy-102,
Trichy District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SUNDER MOHAN, J.

Lm

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