



Crl.O.P.(MD)No.18787 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.11.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD).No.18787 of 2025

and

CrI.M.P(MD) Nos.15603 and 15604 of 2025

K.Pavithraj

... Petitioner

Vs.

1.State of Tamilnadu,
Represented by the Inspector of Police,
Puliangudi Police Station,
Tenkasi District,
Crime No.15 of 2025.

...1st Responden/Complainant

2.Balamurali,
Head Constable,
Puliyangudi Police Station,
Tenkasi District.

...2nd Respondent/Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records and quash the charge sheet in P.R.C.No.68 of 2025 in Crime No. 15 of 2025 on the file of the Judicial Magistrate, Sivagiri as against the petitioner herein.

For Petitioner : Mr.V.Panneer Selvam

For Respondents : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor



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ORDER

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This Criminal Original Petition has been filed to quash the final report in P.R.C.No.68 of 2025 in Crime No.15 of 2025 on the file of the Judicial Magistrate, Sivagiri as against the petitioner, filed for the offences punishable under Sections 352 of BNS and Section 27(2) of Arms Act, 1959.

2. The gist of the allegation in the impugned final report is that the petitioner had posted photographs in his Instagram account holding two knives, of which, one was small and the other one was big, with the intention to cause panic and terror in the minds of the general public and thus committed the aforesaid offences.

3. The learned counsel for the petitioner would submit that the petitioner, without knowing the consequences of his act, had playfully posted the pictures in his Instagram account; that none of the offences are made out; that the petitioner had no intention to insult any person or to provoke breach of peace and hence the offence under Section 352 of BNS would not be attracted; that in so far as the offence under Section 27(2) of Arms Act is concerned, the petitioner neither used any arm nor committed any act in contravention of



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Section 7 of the Arms Act and therefore mere posting of photographs would not attract the said provision; that in any case, no harm was caused to any person; and that the petitioner has filed an affidavit stating that the photographs were uploaded without any bad intention, as he was dressed as Goddess Kali during the Dussehra festival in his village and the pictures were taken while practising for his dance performance.

4. The learned Additional Public Prosecutor, per contra, would submit that the allegations attracted the offences; that the petitioner was found in possession of two knives, which would fall within the definition of prohibited arms as could be seen from their sizes mentioned in the seizure mahazar; that the question, as to whether the act of the petitioner was innocent or intended to provoke breach of peace can be decided only during trial; and that therefore, the instant petition is liable to be dismissed.

5. It is not in dispute that the petitioner had uploaded two pictures on his Instagram account and in one picture, he was dressed as Goddess Kali. The question is whether posting of those pictures would attract the offences alleged. It is not the prosecution case that the pictures were posted with the intention of insulting any person or provoking breach of peace. Therefore, the offence under



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Section 352 of BNS is not made out.

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6. As regards the offence under Section 27(2) of the Arms Act, the said provision makes use of prohibited arms in contravention of Section 7 of the Act. There is no material on record to show that the knives were used or intended to be used for any illegal activity. Possession of such a knife may amount an offence. However, this Court in the facts and circumstances of the case is of the view that in the absence of any harm caused to any person and the explanation now offered by the petitioner that he was dressed as a goddess Kali for the purpose of the Dussehra festival, during which time, the pictures in question were taken, Section 95 of IPC can be invoked. Hence, this Court is inclined to quash the impugned proceedings.

7. Accordingly, the final report in P.R.C.No.68 of 2025 on the file of the Judicial Magistrate, Sivagiri is quashed and this Criminal Original Petition is allowed. Consequently, connected Miscellaneous Petitions are closed.

27.11.2025

NCC : Yes / No
Index : Yes / No



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Internet : Yes/ No

Indu/dk

To

- 1.The Inspector of Police,
Puliangudi Police Station,
Tenkasi District,
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SUNDER MOHAN, J.

Indu/dk

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