



Crl.O.P.(MD)No.20554 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.20554 of 2025

and

Crl.M.P.(MD).Nos.17448 and 17453 of 2025

1.Esakkiraja

2.Thangamani

3.Manibarath

... Petitioners/Accused 1 to 3

Vs.

1.The State of Tamil Nadu Rep. by,
The Inspector of Police,
Perumalpuram Police Station,
Tirunelveli City.
(Crime No.18 of 2023)

... 1st Respondent/Complainant

2.Arunachalam,
Sub Inspector of Police,
Perumalpuram Police Station,
Tirunelveli District.

... 2nd Respondent/Defacto Complainant

Prayer: Criminal Original Petition filed under Section 528 of BNSS, 2023, to call for the records relating to the proceedings in S.C.No.264 of 2025 on the file of the Learned District and Sessions Court, Tirunelveli and quash the same as against the petitioners.

For Petitioners : Mr.R.Mathava Selvam
For R-1 : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor



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ORDER

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This Criminal Original Petition is filed to quash the impugned final report in S.C.No.264 of 2025 on the file of the District and Sessions Court, Tirunelveli, which was filed for the offences under Section 25(1A), 27(1) of the Arms Act, 1959 and Section 505(1)(b) of IPC.

2. The gist of the allegations in the final report is that the petitioners had posted a photograph in Facebook, posing with knives and thus committed the aforesaid offences.

3. The learned counsel for the petitioners would submit that the impugned prosecution would not lie as the prosecution has not established that the knives seized from the petitioners were prohibited under the Arms Rules, 2016; and that the Court cannot take cognizance of the offence under Section 505(1)(b) of IPC in the absence of any sanction from the State Government or Central Government.

4. The learned Additional Public Prosecutor appearing for the first respondent would submit that the weapons were seized from the petitioners and that the seizure memo does not contain the size of the knives.



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5. Under the Arms Act, the possession of knife as such is not prohibited.

What is prohibited is possession of sharp-edged and deadly weapons, namely, swords, daggers, knives and other such weapons with blades longer than 9 inches or wider than 2 inches under the Category V to Part A of Schedule I of Arms Rules, 2016. Therefore, since the first respondent has not established that the knives seized from the petitioners would fall within the definition of prohibited arms, the impugned prosecution under Section 25(1A) and 27(1) of the Arms Act cannot be sustained.

6. As regards the offence under Section 505(1)(b) of IPC, it is well settled that the Court cannot take cognizance of the said offence unless sanction is obtained from either the Central Government or the State Government, which has not been done in this case. Therefore, the impugned prosecution is liable to be quashed. Accordingly, the impugned final report in S.C.No.264 of 2025 on the file of the District and Sessions Court, Tirunelveli is quashed and the Criminal Original Petition is allowed. Consequently, connected miscellaneous petitions are closed.

27.11.2025

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



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To

1. The District and Sessions Court,
Tirunelveli.
2. The Inspector of Police,
Perumalpuram Police Station,
Tirunelveli City.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SUNDER MOHAN, J.

Lm

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