



CRL OP(MD). No.19631 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 11/11/2025

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THE HONOURABLE MR. JUSTICE SUNDER MOHAN

CRL OP(MD). No.19631 of 2025
and
CrI.M.P(MD) No.16444 of 2025

1. Dharmalingaraja

2. Sankar Kumar

... Petitioners

Vs

State of Tamilnadu
Rep by Inspector of Police,
Sattur Town, Police Station,
Virudhunagar District.

... Respondent

PRAYER :- This Criminal Original Petition is filed under Section 528 BNSS, to call for the records pertaining to S.T.C.No.290 of 2023, on the file of the learned Judicial Magistrate Court No.II, Sattur, and quash the same.

For Petitioners : Mr.K. K. Senthil,
Advocate.

For Respondent : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor



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ORDER

The petitioner seeks to quash the impugned final report in S.T.C.No. 290 of 2023, on the file of the learned Judicial Magistrate Court No.II, Sattur, which was filed for the offences under Sections 9(B)(1)(b) of the Explosives Act, 1884.

2.The allegation in the impugned final report is that on 03.12.2022, the petitioner was found in possession of 350 packets of 50 grams firecrackers (olai vedi) without any valid license and thus, committed the aforesaid offence.

3.The learned counsel for the petitioner would submit that the complainant is the Sub Inspector of police; that he had not examined any independent witnesses; that the two witnesses cited in the final report are constables attached to the respondent police station, who had allegedly witnessed the seizure; that there is nothing in the final report or the



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materials collected in the final report to suggest that the material seized from the petitioner were Explosives; that the Sub Inspector of police, who registered the case, had filed the final report; and that therefore. the impugned prosecution is liable to be quashed on the grounds of bias also.

4.The learned Additional Public Prosecutor appearing for the respondent police would submit that merely because the Sub Inspector of Police, who registered the FIR, had filed the final report, the same cannot be quashed; that whether prejudice has been caused to the petitioner has to be examined in the facts and circumstances of each case. He would further submit that the petitioner was found in possession of firecrackers without a valid license and therefore, the impugned prosecution cannot be quashed.

5.It is seen that the respondent has cited three witnesses in the final report. Two witnesses are the constables attached to the respondent police station, who had witnessed the seizure said to have been made from the petitioner. The third witness is the Investigating Officer,



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namely, the Sub Inspector of Police, who had registered the FIR. It is no doubt true that a prosecution cannot be quashed merely because the police officer, who registered the FIR, had investigated and filed the final report. The Court has to examine whether prejudice has been caused to the petitioner on account of the same.

6. In this case, it is seen that no effort has been taken to ascertain whether the materials seized from the petitioner's possession could be categorized as Explosives within the meaning of the Explosives Act. Admittedly, the seized articles in the instant case were not sent for chemical examination. Therefore, in absence of chemical examination report, it cannot be said that the seized articles are explosive substances. Even if it is the case of the respondent that the petitioner had no valid license, he can only be prosecuted for not having valid license to possess such materials.

7. Further, in the absence of any material to show that the materials seized from the petitioner are Explosives and no independent witnesses have been examined, this Court is of the view that grave prejudice has



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been caused to the petitioner in the facts of the case since the complainant and the Investigating Officer are the same person. Therefore, the impugned final report is liable to be quashed for both of these reasons.

8. Accordingly, this Criminal Original Petition is allowed and the impugned final report in S.T.C.No.290 of 2023, on the file of the learned Judicial Magistrate Court No.II, Sattur, is quashed. Consequently,

11.11.2025

NCC :Yes/No
Index :Yes/No
Internet :Yes/No
cp/ars

To

1.The Judicial Magistrate Court No.II,
Sattur.

2.The Inspector of Police,
Sattur Town, Police Station,
Virudhunagar District.



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SUNDER MOHAN,J

cp/ars

ORDER
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