



CRL OP(MD). No.20229 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated : 18/11/2025

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

CRL OP(MD). No.20229 of 2025
and CrI.M.P(MD) No.17118 of 2025

Selva Shenbagamuthu

... Petitioner

Vs

State of Tamilnadu
Rep by Inspector of Police,
Tirunelveli Junction Police Station,
Tirunelveli District.
(Crime No.229/2025).

... Respondent

PRAYER: Criminal Original Petition filed under Section 528 of BNSS, to quash the Charge Sheet in PRC No.415/2025 on the file of the learned Judicial Magistrate - IV, Tirunelveli, in so far as the petitioner (A3) is concerned.

For Petitioner : Mr.M.Vivek Bharathi
for Mr.C.Venkatesh

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

ORDER

The petitioner seeks to quash the impugned Charge Sheet in PRC No.415 of 2025 on the file of the learned Judicial Magistrate - IV,



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Tirunelveli, which was filed for the offences under Sections 25(1B)(b) and 27(1) of Arms Act and Section 353(1)(b) of BNS.

2. The gist of the allegation is that on 14.06.2025, the respondent police came across an Instagram post in which the petitioner was seen riding pillion in a two-wheeler while wielding a knife, thereby causing panic among the general public and provoking a breach of peace.

3. The learned counsel for the petitioner would submit that impugned prosecution is liable to be quashed, as there is nothing in the final report to suggest as to where the alleged offence took place; that the prosecution ought to have investigated on the said aspect and ought not to have proceeded only on the basis of an Instagram post; that the wielding of a knife would not attract the offence, unless the size of the weapon is mentioned, since the Schedule to the Arms Rules Prescribes the minimum size of the weapon required for attracting the offence and that no sanction was obtained to prosecute the petitioner for the offence under Section 27(1) of the Arms Act and Section 353(1)(b) of BNS.



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4.The learned Additional Public Prosecutor appearing for the respondent police would submit that the impugned final report is justified and that the question as to whether the petitioner committed the offence cannot be adjudicated in a quash petition and hence, sought for dismissal of the petition.

5.It is a case of the prosecution that the petitioner wielded a knife in a public place while riding a two wheeler. However, the respondent police have not conducted any investigation as to where and when the petitioner is said to have wielded the knife. The prosecution is only based on the video published in an Instagram account.

6.Be that as it may, in order to attract the offence under the Arms Act, the respondent police have to establish that the weapon in question is a prohibited firearm or ammunition. The Knife would be a prohibited arm, only if it is above the prescribed size and length, as per the Schedule to the Arms Rules. There is no investigation on this aspect by the respondent police. Further, before prosecuting a person under the Arms



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Act, previous sanction from the District Magistrate ought to have been obtained, which has not been done in this case. Therefore, the impugned prosecution under the Arms Act is misconceived and cannot be sustained.

7.That apart, as far as the offence under Section 353(1)(b) of the BNS (Corresponding to Section 505(1)(b) of IPC), the respondent police ought to have obtained prior sanction from the Central or State Government as per Section 217(1)(A) of the BNSS (Corresponding to Section 196 of Cr.P.C). In this case, admittedly, the respondent police did not obtain the necessary sanction before prosecuting the accused.

8.For all the reasons, this Criminal Original Petition is allowed and the impugned charge sheet in PRC No.415 of 2025 on the file of the learned Judicial Magistrate - IV, Tirunelveli, is quashed. Consequently, connected miscellaneous petition is closed.

18.11.2025

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

CP/ars

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To

- 1.The Judicial Magistrate - IV, Tirunelveli.
- 2.The Inspector of Police,
Tirunelveli Junction Police Station,
Tirunelveli District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SUNDER MOHAN,J

CP/ars

ORDER
IN
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Date : 18/11/2025