



CRL OP(MD). No.21225 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 28.11.2025

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

CRL OP(MD). No.21225 of 2025

and

CrI.M.P.(MD)No.18187 of 2025

Natrajan,

... Petitioner

Vs.

1. State of Tamilnadu Rep by
Inspector of Police,
Shenkottai Police Station,
Tenkasi District.
Crime No.289 of 2025..

2. Muralidharan,

... Respondents

PRAYER :-This petition under section 528 BNSS, to call for the records of the case in Crime No. 289 of 2025 on the file of the Inspector of Police, Shencottah Police Station, Tenkasi District and quash the same.

For Petitioner : Mr.Sundarapandian.S,

For Respondents : Mr.K.Sanjai Gandhi,
Government Advocate (CrI.Side) for R1



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ORDER

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The petition is to quash the impugned FIR registered under Section 25(1A) of the Arms Act.

2. The gist of the allegation is that on 29.06.2025 when the petitioner was travelling in his bike, he was intercepted and found to be in possession of a double barrel gun without a valid licence.

3. The learned counsel for the petitioner would submit that the double barrel gun belonged to the petitioner's grandfather, who had a valid licence; that under proviso to Section 3 of the Arms Act, the petitioner is entitled to carry the ammunition in the presence or under the written authority of the holder of the license for repair or for renewal of licence or for the use of such holder; that he had the authority from his grandfather to carry the firearm in his bike, though he may not be able to produce any written authority from the grandfather; that now the grandfather has filed an affidavit stating that he had authorised his grandson to carry the ammunition in the bike; and that the firearm was not misused and it was not loaded.



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4. The learned Government Advocate (Crl.Side) on instructions would confirm that the grandfather of the petitioner had a valid license and that the double barrel gun also belonged to the petitioner's grandfather.

5. Admittedly, the petitioner did not have a valid licence. His grandfather had a valid licence. The question is whether the petitioner is entitled to carry his grandfather's firearm by virtue of the proviso to Section 3 of the Arms Act. Section 3(1) of the Arms Act read as follows:

“3. Licence for acquisition and possession of firearms and ammunition.- [(1)] [[Section 3 renumbered as sub-Section (1) thereof and sub-Section (2) inserted by Act 25 of 1983, Section 3 (w.e.f. 22.6.1983)]] No person shall acquire, have in his possession, or carry any firearm or ammunition unless he holds in this behalf a licence issued in accordance with the provisions of this Act and the rules made thereunder:

Provided that a person may, without himself holding a licence, carry any firearm or ammunition in the



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presence, or under the written authority, of the holder of the licence for repair or for renewal of the licence or for use by such holder.”

6. The above provision would make it clear that any person can carry a firearm without himself holding a licence, in the presence of or under the written authority of the holder of the licence. The petitioner admits that though he did not have a written authority, he was permitted by his grandfather and also furnished a copy of the affidavit of the grandfather, who confirms that he had handed over the gun to be kept in the two-wheeler.

7. Though the petitioner would be guilty of the offence for not having the written authority, considering the fact that the grandfather himself has stated that he had authorised the petitioner and in view of the trivial nature of the offence, this Court is inclined to exercise the power under Section 482 of the Cr.P.C., to quash the proceedings as against the petitioner and accordingly quashed.



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8. This Criminal Original Petition is allowed. The respondents shall handover the gun to the holder of the license. Consequently, connected Miscellaneous Petition is closed.

28.11.2025

Index :Yes/No
Web :Yes/No
Speaking/Non Speaking
LS

TO

1. The Inspector of Police,
Shenkottai Police Station,
Tenkasi District.

2. The Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SUNDER MOHAN,J

LS

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