



CRL OP(MD). No.2387 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 18/02/2026

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THE HONOURABLE MRS. JUSTICE L. VICTORIA GOWRI

CRL OP(MD). No.2387 of 2026

and

Crl M.P(MD)Nos.2665 & 2667 of 2026

Balamanikandan

... Petitioner / Sole Accused

Vs

1.The State represented by
The Inspector of Police,
Anna Nagar Police Station,
Madurai City,
Madurai District.
(Crime No.604 of 2024)

... 1st Respondent / Complainant

2.P.Somu

... 2nd Respondent / Defacto Complainant

PRAYER :-

To call for the records relating to the charge Sheet in SC No.381 of 2025 on the file of the learned First Additional District and Sessions Judge, Madurai and Quash the same.

For Petitioner : Mr.A.Balaji

For Respondents : Mr.B.Thanga Aravindh for R1
Government Advocate (Crl)



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ORDER

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This Criminal Original Petition is filed to call for the records relating to the charge Sheet in SC No.381 of 2025 on the file of the learned First Additional District and Sessions Judge, Madurai and Quash the same.

2. The learned Counsel for the petitioner submitted that the petitioner is the sole accused in pending trial in SC No.381 of 2025 before the learned trial Court. The case of the prosecution is that on 20.09.2024, the petitioner was taken into custody near Vandiyur, while the respondent police was on routine patrol duty, since he was found in possession of a knife with an alleged intention to kill his enemies. For which a case in Crime No.604 of 2024 was registered on 20.09.2020 on the same day for the offences under Sections 25(1A) of Arms Act, 1959 and the same culminated in laying a charge sheet in S.C.No.381 of 2025 before the learned Judicial Magistrate No.VI, Madurai. A plain reading of the final report itself would make it clear that no specific overt act, attracting the offences under Section 25(1A) of Arms Act, 1959 would be attracted, for which he also produced a copy of the seizure mahazar



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before this Court where it is clear that the length and breadth of the seized knife was not clearly mentioned.

3. The learned Government Advocate categorically submitted that specific overt act of having the possession of a knife is made out and hence sought for dismissal of the Criminal Oriignal Petition.

4. Heard either sides and carefully perused the materials available on record.

5. It is obvious that the length and breadth of the seized knife is not mentioned in the seizure Mahasar by the respondent Police. The matter in hand is fully covered by the order passed by this Court made in CrI.O.P(MD)No.20229 of 2025 dated 18.11.2025, where this Court has held as follows:

"5. It is a case of the proseuction that the petitioner wielded a knife in a public place while riding a two wheeler. However, the respondent police have not conducted any investigationas to where and when the petitioner is said to have wielded the knife. The prosecution is only based on the



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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 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."

6. Even in the instant case, the weapon in question is neither a prohibited firearm or ammunition, but a knife which is seized without mentioning the prescribed size and length in terms of the schedule to the Arms Rules. Therefore, the impugned charge sheet in SC No.381 of 4/6



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2025 on the file of the learned First Additional District and Sessions Judge, Madurai, is quashed.

7. Accordingly, this Criminal Original Petition is allowed.

Consequently, connected miscellaneous petitions are closed.

18.02.2026

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

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To

- 1.The First Additional District and Sessions Judge,
Madurai.
- 2.The Inspector of Police, Anna Nagar Police Station,
Madurai City, Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

L. VICTORIA GOWRI,J

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