



*Crl.O.P.(MD)No.1503 of 2026*

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **28.01.2026**

CORAM:

THE HONOURABLE **MRS.JUSTICE L.VICTORIA GOWRI**

Crl.O.P.(MD)No.1503 of 2026

and

Crl.M.P.(MD)No.1614 & 1615 of 2026

1.Nallathambi  
2.Perumal  
3.Praveenkumar

... Petitioners

Vs.

1.State of Tamil Nadu,  
Rep. by the Inspector of Police,  
Melavalavu Police Station,  
Madurai District.  
Crime No.79 of 2023.

2.Manimaran

... Respondents

PRAYER : Petition filed under Section 528 of BNSS, 2023 to call for the records pertaining to the impugned charge sheet in PRC No.37/2023 on the file of the learned Judicial Magistrate, Melur, Madurai District and to quash the same as illegal.

For Petitioners : Mr.A.Rajaram

For Respondents : Mr.M.Sakthi Kumar (R1)

Government Advocate (Crl.)



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## **ORDER**

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The petitioner seeks for quash of the charge sheet in PRC No.37/2023 on the file of the learned Judicial Magistrate, Melur, Madurai District.

2. The petitioners are accused No.1, 2 & 5 in PRC No.37/2023 on the file of the learned Judicial Magistrate, Melur, Madurai District. The case of the prosecution is that on 16.03.2023, at approximately 14:15 hours, in the course of tracing the accused in Crime No.78 of 2023, the second respondent police, while on duty, accompanied by the Special Sub-Inspector of Police and other officers, acted upon secret information received and entered into the grove belonging to one Selvam @ Thaedivantha Selvam. After arresting the concerned accused, the police reportedly intercepted conspiring conversations made by the petitioners. It was alleged that the petitioners had conspired to commit the murder of one Raja Prabhu. Upon interrogating the accused and conducting a search of the petitioners' premises, the police recovered knives (pattakathi) measuring 54 cms, 61 cms, and 64 cms in length, following which, a case in crime No.79 of 2023 was registered as against the petitioners for the offence under Section 25(1)(a) of the Arms Act, 1959 on 16.03.2023 on the basis of the information given by the 2<sup>nd</sup> respondent and the same, after investigation culminated in laying charge sheet in PRC No.37 of 2023.



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3. The learned counsel appearing for the petitioner categorically contended that all the allegations leveled against the petitioner are baseless and vague. He further submitted that none of the witnesses cited by the respondent police in the final report are independent; rather, all of them are official witnesses. In view of these submissions, he sought the indulgence of this Court.

4. The learned Government Advocate submitted that several objects were recovered from the agricultural farm of the petitioners, which have been included in the list of properties appended to the charge sheet as material objects. He accordingly submitted that the present petition is devoid of merits and sought for its dismissal.

5. Heard the learned counsel on either side and perused the materials available on record. Since no adverse order is proposed to be passed against the second respondent, notice to him is dispensed with.

6. The scope of ambit of the powers of this Court under Section 482 of Cr.P.C., / 528 of BNSS, 2023, is of the nature which is to be exercised sparingly and with circumspection, to prevent abuse of process of Court or to



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secure the ends of justice. In the instant case, the final report has been laid for the offence under Section 25(1)(a) of the Arms Act, 1959. The terminology 'Arms' is duly defined in Section 2(c) of the Arms Act, 1959 and the same is extracted as follows:-

*“(c) “arms” means articles of any description designed or adapted as weapons for offence or defence, and includes firearms, sharpedged and other deadly weapons, and parts of, and machinery for manufacturing, arms, but does not include articles designed solely for domestic or agricultural uses such as a lathi or an ordinary walking stick and weapons incapable of being used otherwise than as toys or of being converted into serviceable weapons;”*

7. A careful reading of the definition of 'Arms' under the Arms Act, 1959, would make it clear that any weapon used for offence or defence with a sharp edge would fall within the definition of arms. Obviously, the material objects seized in this case are covered under this definition. Hence, at the stage of considering a petition for quashment of the final report, this Court is required to examine only whether the allegations, as made in the charge sheet and the materials accompanying it, prima facie disclose the commission of any offence.

8. This Court cannot embark upon a meticulous appreciation of evidence or adjudicate upon the veracity of the allegations. In the present case, the three



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material objects seized by the second respondent clearly fall within the ambit of

Section 21(1)(a) of the Arms Act, 1959, and the offence thereunder is clearly attracted. Hence, this Court is of the considered view that criminal law cannot be scuttled at threshold merely on the basis of the defences projected by the accused. When the prosecution has laid a final report disclosing a prima facie case, the accused must necessarily face trial and establish the defence in accordance with law.

9. With the above observations, the criminal original petition is dismissed. Consequently, connected miscellaneous petitions are closed.

**28.01.2026**

NCC : Yes / No  
Index : Yes / No  
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WEB COPY **TO:-**

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



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**L.VICTORIA GOWRI, J.**

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Order made in  
Crl.O.P.(MD)No.1503 of 2026

Dated  
28.01.2026