



-IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-07-2026

CORAM

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THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

**CRL OP No. 17002 of 2026
and CrI.M.P.No.11274 of 2026**

1. Stuwert @ Suryaprakash
S/o. Thavamani,
No.85, 5th Street,
Kamakotti Nagar, Pallikaranai, Chennai.
2. Akash Kumar
S/o. Kumar,
D.No.1A, South Street,
South Poigai, Nallur,
Nagapattinam District.

..Petitioner(s)

Vs.

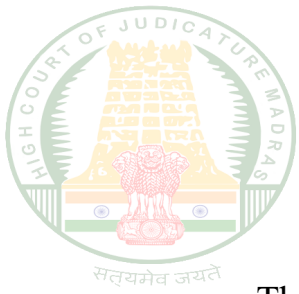
1. The Inspector of Police
Selvapuram Police Station,
Coimbatore City.
2. Mr. Manikandan
Sub Inspector of Police,
Selvapuram Police Station,
Coimbatore City.

..Respondent(s)

PRAYER: Criminal Original Petition filed under Section 528 of BNSS, to call for the records and quash the further proceedings in PRC.No.59 of 2026 pending on the file of the Learned Judicial Magistrate Court V Coimbatore.

For Petitioner(s): Mr.P.Muthamizhselvakumar

For Respondent(s): Mr.M.Mohamed Riyaz
Government Advocate (Criminal Side) For R1



ORDER

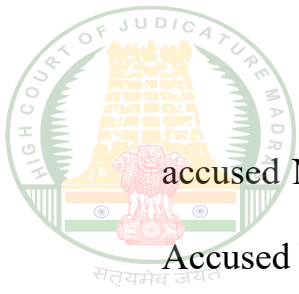
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This Criminal Original Petition is filed to quash the further proceedings in PRC.No.59 of 2026 pending on the file of the Court of Judicial Magistrate Court -V, Coimbatore.

2. Upon considering the case of the prosecution, it is stated that when the police officials went to the spot, all these accused were sitting together, in a cricket turf and were conspiring so as to identify the houses and to commit burglary, as they did not have any income and since they were also armed with deadly weapons, the case is registered. After investigation, the final report is filed for the offences under Section 61(2) and 310(4) of BNS, 2023.

3. *Mr.M.Mohamed Riyaz*, learned Government Advocate (Criminal Side) would submit that when the petitioners were all planning for conspiracy they were caught red handed and the case has been filed. The case has been registered and after investigation the final report is filed.

4. In reply, the learned counsel appearing for the petitioners would submit that as against the accused No.5, this Court has considered the issue with reference to the very same FIR and finding that only on suspicious ground, the petitioner therein was added as an accused and quashed the FIR as against the



accused No.5. The petitioners herein were also similarly situated as that of the Accused No.5 and therefore, he prayed that the same order shall be passed.

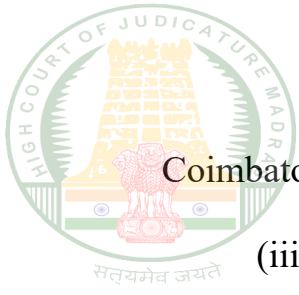
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5. Upon consideration of the said order passed in Crl.O.P.No.8731 of 2025, this Court has taken into consideration of the fact that the said accused - A5 had no previous case. As far as the present petitioners are concerned, the 2nd petitioner - Akash Kumar is also similarly situated having no previous case against him and as such, following the dictum which is already laid down in Crl.O.P.No.8731 of 2025, the case against the 2nd petitioner - Akash Kumar/A6 shall stand quashed.

6. As far as the 1st petitioner is concerned, it is stated that he is facing three previous cases including one under Section 302 of IPC. Considering the overall facts and circumstance of the case, the averment that merely on suspicion the 1st petitioner was included cannot be positively concluded by this Court and as such Crl.O.P.No.17002 of 2026 is disposed of on the following terms:-

(i) this Criminal Original Petition shall stand dismissed as against the 1st petitioner/accused No.3 namely Stuwert @ Suryaprakash;

(ii) this Criminal Original Petition stands allowed with reference to the 2nd petitioner/accused No.6 namely Akashkumar. The proceedings in PRC.No.59 of 2026 pending on the file of the Court of Judicial Magistrate - V



Coimbatore, shall stand quashed as against the 2nd petitioner herein alone;

(iii) Consequently, the connected miscellaneous petition is closed.

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Neutral Citation: Yes/No

JER

To

1. The Judicial Magistrate -V, Coimbatore.
2. The Inspector of Police
Selvapuram Police Station,
Coimbatore City.
3. The Public Prosecutor
High Court of Madras.



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D.BHARATHA CHAKRAVARTHY, J.

JER

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