



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 15.07.2026

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

Crl.O.P.(MD)No.6766 of 2026

and

Crl.M.P(MD)No.7335 of 2026

1. Prabhu (In FIR Mentioned as Prabhu @ Thakkali Prabhu),
 2. Surendar (In FIR Mentioned as Sura @ Surendar)
 3. Manikandan (In FIR Mentioned as Nadimani @ Manikandan)
 4. Anbalagan
 5. Vengadesan (In FIR Mentioned as Vengadesan @ Sani Vengadesan)
- ...Petitioners/Accused Nos.1 to 5

Vs

The State of Tamilnadu,
Rep by Inspector of Police,
Pattukottai Town Police Station,
Thanjavur District.
Crime No.572 of 2014.

...Respondent

PRAYER: Criminal Original Petition is filed under Section 528 of BNSS Act, to call for the records pertaining to the proceedings in Crime No.572 of 2014, on the file of the Respondent Police and quash the same.

For Petitioners : M/s.UM.Berdin Vinodh

For Respondent : M/s.B.Arun
Counsel for State of TN(crl.side) for R1
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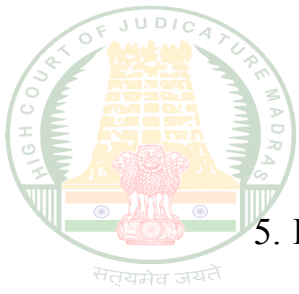
ORDER

The present petition has been filed by the accused persons in Crime No. 572 of 2014, on the file of the respondent police seeking to quash the FIR, wherein the petitioners are alleged to have committed offences under Section 399 of IPC.

2. A perusal of FIR reveals that the accused persons are said to have assembled in a Coconut Grove on 18.12.2014 and they were making preparation to commit robbery. When they were arrested and confession statements were independently recorded, the police came to know about this. A wooden log was also recovered from them. This is the sum and substance of the FIR.

3. The FIR has been registered on 18.12.2014. So far charge sheet has not been laid.

4. According to the learned Counsel appearing for the petitioner, mere assembly of the persons would not attract Section 399 of IPC, but police have to show some other material that assembly was for the purpose of preparation to commit dacoity. He relied upon a decision of this Court in CrI.O.P.No.11676 of 2025, dated 25.11.2025, Sarathkumar Vs. the State of Tamil Nadu and 2 others.



5. I have considered the submissions made on either side and perused the materials available on record.

6. As could be seen from the FIR, the allegation is that the petitioners were making preparation to commit dacoity. Except the recovery of a wooden log, no other material object has been refused in the FIR. So far, charge sheet has not been filed for the past 12 years. In view of the judgment of this Court in CrI.OP(MD)No.11676 of 2025 dated 25.11.2025, it is clear that mere assembly of group of persons is not sufficient to attract the offence under Section 399 of IPC.

7. In such circumstances, continuation of the criminal proceedings as against the petitioners herein would only be an abuse process of law and therefore, the FIR in Crime No.572 of 2014, on the file of the respondent police stands quashed. Accordingly, this Criminal Original Petition stands allowed. Consequently, connected miscellaneous petition is also closed.

15.07.2026

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



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To

1. The Inspector of Police,
Pattukottai Town Police Station,
Thanjavur District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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R.VIJAYAKUMAR, J.

RJR

CrI.O.P.(MD)No.6766 of 2026

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