



WEB COPY



*CrI.O.P.No. 6339 of 2025*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.03.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CrI.O.P.No.6339 of 2025 and  
CrI.M.P.Nos.4055 and 4058 of 2025

Anbu

... Petitioner

Vs.

The State represented by  
The Sub-Inspector of Police,  
Kanchi Taluk Police Station,  
Kanchipuram.  
(Ref: Crime No.1630 of 2021)

..Respondent

**PRAYER:** Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 to quash the final report as against the petitioner in P.R.C.No.61 of 2023 pending on the file of the Judicial Magistrate No.II, Kanchipuram for the offences under Section 399 of IPC.

For Petitioner : Mr.P.N.Vignesh



WEB COPY



*CrI.O.P.No. 6339 of 2025*

For Respondent : Mr.R.Vinothraja,  
Government Advocate (crl.side)

## **ORDER**

This Criminal Original Petition has been filed seeking to quash the proceedings in P.R.C.No.61 of 2023 on the file of the learned Judicial Magistrate No.II, Kanchipuram, registered for the offence under Section 399 of IPC.

2. The case of the prosecution is that during a routing check-up on the road to Uthiramerur, the respondent discovered two parked cars where six individuals planning a robbery. Upon noticing the respondent, two accused persons were fled the scene of occurrence, while four suspects were arrested and remanded to Judicial Custody. Two vehicles and wooden logs were seized. Though the petitioner was not initially named in the FIR, they were later identified as the fifth accused based on a confession and a final report has been filed and the same is pending for committal in PRC No.61 of 2023 on the file of the Judicial Magistrate



*CrI.O.P.No. 6339 of 2025*

No.II, Kanchipuram.

WEB COPY

3. The learned counsel for the petitioner submits that the petitioner has been implicated as an accused solely on the basis of the confession statement made by the first accused. Apart from the confession statement, there is no recovery of evidence from the petitioner. It is further contended that the confession statement recorded by the police officer is inadmissible in evidence. As such, it is argued that the petitioner should not be subjected to the ordeal of a trial when there is no evidence to substantiate the prosecution's case.

4. The learned Government Advocate (CrI. Side) submits that, from the scene of occurrence, accused Nos. 1 to 4 were arrested, while accused Nos. 5 and 6 fled from the scene. The petitioner was the driver of the INDICA car bearing registration No. TN 09 AQ 9950 and deadly weapons were recovered from the car. Accordingly, specific allegations have been made to attract the charge under Section 399 of the IPC against the petitioner.



WEB COPY



*CrI.O.P.No. 6339 of 2025*

5. Heard both sides and perused the materials available on record.

6. On perusal of the records, it appears that the petitioner has been implicated solely on the confession statement of the first accused. Though the petitioner had driven the car bearing No. TN 09 AQ 9950, the said car does not belong to the petitioner but to a third party. That apart, there is no recovery of any incriminating material from the petitioner. Therefore, the confession made by the co-accused cannot be treated as substantive evidence. There is no direct or independent evidence to substantiate the petitioner's involvement in the alleged crime.

7. In view of the above, the proceedings in P.R.C.No.61 of 2023 pending on the file of the Judicial Magistrate No.II, Kanchipuram cannot be sustained and is liable to be quashed. Accordingly, the entire proceedings in P.R.C.No.61 of 2023 is hereby quashed as against the petitioner.

8. Accordingly, the Criminal Original Petition stands allowed.



*CrI.O.P.No. 6339 of 2025*

Consequently, connected miscellaneous petitions are closed.

WEB COPY

**24.03.2025**

Neutral citation : Yes/No  
Speaking/non-speaking order  
shk

To

- 1.The Judicial Magistrate No.II, Kanchipuram
- 2.The Sub-Inspector of Police,  
Kanchi Taluk Police Station,  
Kanchipuram.
3. The Public Prosecutor, High Court, Madras.

**G.K.ILANTHIRAIYAN, J.**

shk



WEB COPY



*Crl.O.P.No. 6339 of 2025*

Crl.O.P.No.6339 of 2025 and  
Crl.M.P.Nos.4055 and 4058 of 2025

24.03.2025