



Crl.O.P.No.12846 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Order Reserved on : 16 / 06 / 2025

Order Pronounced on : 11 / 09 / 2025

Coram:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.O.P.No.12846 of 2025
and
Crl.M.P.Nos.8504 and 8506 of 2025
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Rahul @ Sri Rahul

.. Petitioner

Vs.

1. The State rep. by
The Inspector of Police,
Jedarpalayam Police Station,
Namakkal District.
(Crime No.32 of 2023)

2. Poongothai

.. Respondents

Criminal Original Petition filed under Section 528 of the BNSS praying to call for the records in S.C.No.41 of 2024 on the file of the I Additional District Judge, Namakkal and to quash the same insofar as the petitioner/A.3 is concerned.

For petitioner : Mr.R.Thirumoorthy

For respondents: Dr.C.E.Pratap, Govt. Advocate (Crl. Side) for R-1



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ORDER

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This Criminal Original Petition has been filed by the petitioner seeking to quash the proceedings in S.C.No.41 of 2024 pending on the file of the I Additional District Court, Namakkal, arising out of Crime No. 32 of 2023.

2. The brief facts of the prosecution case are that on 14.04.2023, the defacto complainant-Poongothai/second respondent herein lodged a complaint alleging that in the early hours of that day, unknown persons attempted to set fire to her house by throwing bottles containing inflammable liquid with cloth wicks resembling petrol bombs. Two fire spots were noticed at the southern and northern entrances of the house, which were extinguished with water, and broken beer bottles were recovered from the spot. On the basis of the complaint, the case was initially registered under Section 436 IPC and thereafter altered to Sections 436, 511, 114 IPC read with Sections 3 and 6 of the Explosive Substances Act. After investigation, the charge-sheet was filed implicating three accused, including the petitioner as A3, which was taken cognizance in S.C.No.41 of 2024.

3. The case of the petitioner is that he has been falsely implicated on the allegation of hurling petrol bombs, only because his father, who is the President of the Tamil Nadu Farmers Association affiliated to the Communist Party of India,

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had organised protests demanding police action in a rape and murder case. It is his contention that the police, unable to trace the real culprits, foisted the case against him and others, and that even the defacto complainant had filed an affidavit before the trial Court stating that the accused were falsely implicated. It is further contended that another crime in Crime No.33 of 2023 was registered on the basis of his father's complaint on the same set of allegations, and that the present case is also a false implication without substantive materials.

4. The learned counsel for the petitioner would submit that the cognizance of the charge sheet is wholly erroneous and unsustainable in law. It is urged that the implication of the petitioner is actuated by malafide intention, as even the defacto complainant herself had filed an affidavit before the Judicial Magistrate, Paramathy in C.M.P.No.4508 of 2023, stating her inability to identify the real accused. None of the witnesses examined by the prosecution have spoken about the petitioner's involvement, yet the respondent police, without any material, falsely implicated him. It is further submitted that the earlier statements of the defacto complainant dated 14.04.2023, 18.05.2023 and 31.08.2023, as well as the statements of her husband dated 14.04.2023 and 18.05.2023, were silent about the petitioner and, in fact, named another individual. The subsequent introduction of the petitioner's name is a clear indication of an unfair



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investigation carried out with oblique motives. The petitioner's house itself was attacked by hurling of bombs, which shows that he was also a victim of the incident, but was wrongly projected as an accused only because his father, a trade union leader, had been spearheading protests for justice in another case. Learned counsel would further contend that the offences alleged under the Explosive Substances Act cannot be sustained in the absence of sanction from the District Collector, and hence cognizance taken by the learned I Additional District Judge, Namakkal is bad in law. It is also submitted that the allegation of caste motive is baseless, as the petitioner's family has consistently stood for a casteless society. Even a plain reading of the FIR and the statements recorded under Section 161(3) Cr.P.C. does not disclose the commission of the alleged offences by the petitioner. The continuation of criminal proceedings would therefore amount to abuse of process of law, and the charge sheet is liable to be quashed.

5. Per contra, the learned Additional Public Prosecutor would submit that the investigation disclosed sufficient materials against the petitioner and the other accused. The recovery of broken bottles with inflammable liquid and cloth wicks near the scene of occurrence clearly establishes the attempt to cause fire by use of explosive substances. The affidavit of the defacto complainant, it is

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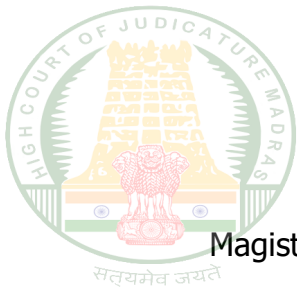
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submitted, cannot be a ground to nullify the prosecution at this stage, and the truth or falsity of the allegations can only be determined in the course of trial.

It is therefore argued that no ground is made out to quash the proceedings.

6. This Court has carefully considered the rival submissions and perused the materials available on record.

7. The allegations in the complaint and the materials collected during investigation prima facie indicate that there was an attempt to set fire to the house of the defacto complainant by use of bottles containing inflammable substances. The offences alleged are serious in nature, prima facie attracting Sections 436 and 511 IPC as well as the provisions of the Explosive Substances Act. It is true that the petitioner's name does not appear in the earliest complaint. However, in the course of investigation, certain witnesses have spoken about his role, and the law is well settled that an FIR is not expected to be an encyclopedia setting out all minute details of the occurrence. The omission to mention the petitioner's name in the first version, when subsequently supported by statements implicating him, cannot by itself be a ground to discard the prosecution case at the threshold. As regards the reliance placed upon the affidavit said to have been filed by the defacto complainant before the



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Magistrate, the evidentiary value of such a document, whether it was voluntary, and its effect on the prosecution case are all matters for appreciation of evidence during trial, and cannot be undertaken in a petition under Section 482 Cr.P.C. Equally, the contention raised regarding absence of sanction under the Explosive Substances Act is also not a ground to quash the proceedings at the inception, even sanction can be obtained subsequently and which can be considered by the trial Court at the stage of framing charges or before commencement of trial.

8. In view of the above discussion, this Court finds no merit in the petition. The prosecution cannot be stifled at the threshold, and the petitioner has to establish his defence in the course of trial and the petitioner is at liberty to raise all his defences before the trial Court.

9. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petitions are closed.

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Index : Yes/No

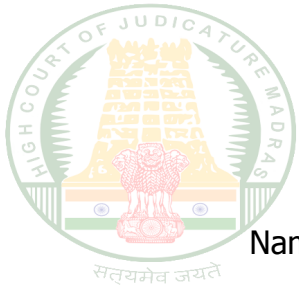
Neutral Citation Case : Yes/No

Speaking Order : Yes/No

To

1. The I Additional District Judge,

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Namakkal.

2. The Inspector of Police,
Jedarpalayam Police Station,
Namakkal District.
3. The Public Prosecutor,
Madras High Court, Chennai.



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