



Crl.O.P.(MD)No. 20330 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.11.2025

CORAM :

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.(MD)No.20330 of 2025

and

Crl.M.P.(MD)Nos.17212 & 17213 of 2025

S.Murugesan, M/59,
S/o. Sellaiya,
3/163, Thinaikulam,
Paramakudi Taluk,
Ramanathapuram District.

.. Petitioner

VS

1.The Inspector of Police,
Kamuthi Police Station,
Ramanathapuram District.
(Cr.No.231 of 2021)

2.Mutharasu,
Assistant Director of Horticulture,
FST Team A3,
212, Mudukulathur Assembly,
Ramanathapuram District.

.. Respondents

Prayer : Criminal Original Petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 to call for entire records in S.T.C.No.232 of 2023 pending on the file of Learned Judicial Magistrate Court No.I, Ramanathapuram and quash the Charge Sheet.



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For Petitioner : Mr.K.Saravanan

For Respondents : Mr.K.M.D.Muhilan (for R1)
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 to call for entire records in S.T.C.No.232 of 2023 pending on the file of Learned Judicial Magistrate Court No.I, Ramanathapuram and quash the Charge Sheet.

2. The case of the petitioner is that he was arrayed as A2 on the complaint lodged by the de facto complainant alleging that on 05.04.2021 at about 12.05 a.m., while checking a vehicle bearing Registration No. 07 CL 1930 (Toyoto Etios) seized Rs.9,000/- from accused nos. 1, 3 and 4 who were distributing money for vote to the voters for the Assembly Election. On enquiry, it was found that they were distributing cash for vote in support of the petitioner herein. Hence a case was registered for the offences punishable under Sections 353 and 171(E) IPC.

3. The petitioner / S.Murugesan (A2) seeks interference of this Court to quash the said FIR on the ground that except the



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exculpatory statement of three persons, there is no material to correlate the money recovered with this petitioner. When there is no link evidence between the money recovered and the petitioner herein, it is highly preposterous to allege that the petitioner had engaged them to distribute cash for vote.

4. From the complaint, this Court does not find any other material evidence except Rs.9000/- alleged to have been recovered from three persons by name, Praveenkumar, Kumar & Arasakumar. Neither to link these three persons with the petitioner nor the money recovered with the petitioner herein, the police has not collected any evidence. The exculpatory statement of three accused persons cannot be sufficient to proceed against the petitioner herein for the offence under Section 353 and 171(E) IPC.

5. For the aforesaid reason, this Court is of the view that the prosecution against the petitioner has to be quashed for want of material evidence to infer any commission of cognizable offence by this petitioner.

6. Accordingly, S.T.C.No.232 of 2023 pending on the file of Learned Judicial Magistrate Court No.I, Ramanathapuram, is hereby



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quashed and this Criminal Original Petition is allowed. No costs.

Connected miscellaneous petitions are closed.

20.11.2025

Index:Yes/No

Neutral Citation:Yes/No

ssm

To

- 1.The Inspector of Police,
Kamuthi Police Station,
Ramanathapuram District.
- 2.The Judicial Magistrate Court No.1,
Ramanathapuram.
- 3.The Public Prosecutor,
High Court, Madras.



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A.D.JAGADISH CHANDIRA,J.,

ssm

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