



Crl.O.P.(MD) No.389 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 22.04.2025

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THE HONOURABLE MR.JUSTICE P.DHANABAL

CRL. OP(MD). No.389 of 2025

and

Crl.M.P(MD) Nos.252 and 253 of 2025

Abdul Rahman

... Petitioner

Vs.

1. The Inspector of Police
Tirunelveli Taluk Police Station
Tirunelveli District

2. Petchi Muthu
Assistant Inspector of Police
Tirunelveli Taluk Police Station
Tirunelveli District

... Respondents

PRAYER: Criminal Original Petition filed under Section 528 of BNSS to call for the records pertaining to S.C.No.543 of 2018 dated 09.08.2023 on the file of the Principal Sub Judge, Tirunelveli for the alleged offences under Sections 399 of IPC and Section 25(1)(A) of Arms Act and quash the same so far as the petitioner is concerned.

For Petitioner : Mr.E.Satheesh

For Respondents : Mr.M.Sakthi Kumar
No.1 Government Advocate (Crl. Side)



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ORDER

WEB COPY This petition has filed to quash the proceedings in S.C.No.543 of 2018 dated 09.08.2023 on the file of the Principal Sub Judge, Tirunelveli

2. The case of the prosecution is that on 13.10.2013 the petitioner along with other accused on 13.10.2013 at about 4.00 am., near Naduvakurichi to Palanichettipuram road all the accused tried to escape after seeing the police party, thereby they surrounded the accused and caught hold them. On enquiry they found all the accused with weapons planned to commit dacoity. Thereafter the second respondent lodged complaint before the first respondent and the first respondent registered a case in Crime No. 330 of 2013 for the offences under Sections 399 of IPC and Section 25(1)(A) of Arms Act and thereafter the first respondent completed investigation and filed final report and now the case is pending in S.C.No.543 of 2018 on the file of the Principal Sub Judge, Tirunelveli. The petitioner being the fourth accused challenging the proceedings pending before the trial Court.

3. The learned counsel appearing for the petitioner would submit that the petitioner was arrayed as fourth accused in this case and a false case has been foisted against this petitioner. In fact no such occurrence was happened as



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alleged by the petitioner. Even as per the case of prosecution on 13.10.2023 at about 4.00 a.m., all the accused planned to commit dacoity with weapons.

Based on the confession given by the other accused this petitioner has been implicated as an accused in this case. To attract the offence under Section 399 of IPC there are no materials and seizing of weapon is highly unbelievable and no private witness attested in the athatchi for recovery of weapon. Therefore the first respondent without conducting proper investigation filed final report and without any prima facie materials the trial Court has also taken cognizance, thereby the pending proceedings are liable to be quashed.

4. The learned Government Advocate(Crl.Side) appearing for the first respondent would submit that when the police party was on patrol duty on 13.10.2013 at about 04.00 a.m., the petitioner along with other accused assembled together and planned to commit dacoity with weapons. Thereafter the accused was caught red handed and weapon was also recovered and from this petitioner crowbar was recovered, thereby the second respondent lodged complaint before the first respondent and the first respondent investigated the case filed final report. As per the final report, there are prima facie materials available as against the petitioner and therefore it needs elaborate trial, hence the petition is liable to be dismissed.



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

6. On perusal of the records it is seen that on 13.10.2023 all the accused planned to commit dacoity with deadly weapons, thereby on the basis of the complaint given by the second respondent the first respondent registered a case in Crime No. 330 of 2013 for the offences under Sections 399 of IPC and Section 25(1)(A) of Arms Act and thereafter they conducted investigation and filed final report. The trial Court has also taken cognizance and the same is pending, As per the First Information Report and final report there are prima facie materials available as against the petitioner and the weapon is also recovered from this petitioner and thereby it needs elaborate trial. The veracity of the statements recorded and the materials collected during investigation cannot be tested at this stage and the same has to be tested through trial. All the grounds raised by the petitioner in this petition can be taken a defence before the trial Court during trial and hence it is not appropriate to allow this petition at this stage and the petitioner has to face the trial. In view of the same, the petition has no merits and deserves to be dismissed.



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WEB COPY 7. Accordingly the Criminal Original Petition stands dismissed.

Consequently connected miscellaneous petitions stand closed.

22.04.2025

Internet :Yes
Index :Yes/No
NCC :Yes/No
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To

1. The Principal Sub Judge, Tirunelveli
2. The Inspector of Police
Tirunelveli Taluk Police Station
Tirunelveli District
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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P.DHANABAL, J.

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