



Crl.O.P.(MD)No.574 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.10.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD).No.574 of 2025

and

Crl.MP.(MD).Nos.372 and 373 of 2025

Rishikesh

... Petitioner/Accused No.4

Vs.

1.The State of Tamil Nadu Rep. by,
The Sub Inspector of Police,
Karaikudi South Police Station,
Sivagangai District.
(Crime No.172 of 2024)

... 1st Respondent/Complainant

2.K.Sundararasu,
The Sub Inspector of Police,
Karaikudi South Police Station,
Sivagangai District.

... 2nd Respondent/Defacto Complainant

Prayer: Criminal Original Petition filed under Section 528 of BNSS, 2023, to call for the records in C.C.No.227 of 2024 on the file of the Judicial Magistrate, Karaikudi, Sivagangai District and quash the same in the interest of justice.

For Petitioner : Mr.C.Muthu Saravanan

For R-1 : Mr.K.Sanjai Gandhi
Government Advocate (Crl. Side)



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ORDER

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This Criminal Original Petition is filed to quash the final report in C.C.No.227 of 2024 on the file of the learned Judicial Magistrate, Karaikudi, Sivagangai District, which was filed for the offence under Section 309(5) of BNS, 2023 (corresponding to Section 393 of IPC).

2. The gist of the allegations in the final report is that the petitioner along with others had attempted to commit robbery and thus committed the aforesaid offences.

3. The learned counsel for the petitioner would submit that the allegations are false; that the CCTV footages would show that the petitioner was apprehended while he was at his residence at 9.40 AM on 04.07.2024; that the allegation that the occurrence took place at 11.00 AM on 04.07.2024 is therefore false; that in any case, the only evidence available against the petitioner that he also participated in the alleged attempt to commit robbery is the confession of the co-accused; that there are no bad antecedents against the petitioner; and that no incriminating material was seized from the petitioner. He would further submit that the respondents have not chosen to examine any independent witnesses except for the officials attached to the respondent Police Station.



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4. The learned Government Advocate (Crl. Side) would submit that the petitioner has no bad antecedents; that the petitioner is sought to be prosecuted only on the confession of A1; and that no weapon was seized from the petitioner.

5. The prosecution has cited seven witnesses and all the witnesses are officials attached to the respondent Police Station. The police officials would say that few persons were found standing in a suspicious manner; that when questioned by the respondent Police, they attempted to run; that A1 and A2 had dropped the weapons and thereafter, A1 confessed about their plan to commit robbery. The statements of other witnesses are also to the same effect. Therefore, it is seen that there is no other evidence except for the confession of A1 as against the petitioner. The petitioner has no bad antecedents. There is no incriminating material against the petitioner and no weapon was seized from the petitioner. Hence, the continuation of the impugned prosecution would be a futile exercise as no conviction can be sustained on the basis of such evidence. Hence, this Court is inclined to quash the impugned final report.

6. Accordingly, the impugned final report in C.C.No.227 of 2024 on the



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file of the learned Judicial Magistrate, Karaikudi, Sivagangai District is quashed and the Criminal Original Petition stands allowed. Consequently, connected miscellaneous petitions are closed.

30.10.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
Lm

To

- 1.The Judicial Magistrate Court,
Karaikudi, Sivagangai District.
- 2.The Sub Inspector of Police,
Karaikudi South Police Station,
Sivagangai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SUNDER MOHAN, J.

Lm

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