



Crl.O.P.(MD)No.400 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.01.2025

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.400 of 2025

and

Crl.M.P.(MD)No.259 of 2025

T.Aruljothi

... Petitioner

Vs.

1.The State of Tamil Nadu rep by.
The Deputy Superintendent of Police,
Aruppukottai Sub Divison,
Virudhunagar District.

2.The State of Tamil Nadu Rep.by
The Inspector of Police,
Aviyur Police Station,
Virudhunagar District.
(Crime No.158 of 2024)

3.Nandakumar

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of B.N.S.S., to call for the records relating to the first information report in Crime No.158 of 2024 on the file of the second respondent police and to quash the same as illegal as against the petitioner/accused No.4 herein.

For Petitioner	: Mr.G.Mariappan
For R1 and R2	: Mr.A.Thiruvadi Kumar
	Additional Public Prosecutor
For R3	: Mr.S.Veera Pandi Selvaraj



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ORDER

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This Criminal Original Petition has been filed to quash the proceedings in Crime No.158 of 2024 on the file of the respondent police.

2.The contention of the petitioner is that the petitioner is a named accused in this case. The petitioner has been included in this case based on the confession of one Senthoorapandi, A3 in this case. His name has been dropped and later by the alteration report dated 01.11.2024, the name of the petitioner and other persons have been implicated in this case.

3.The learned counsel for the petitioner submits that during investigation, the defacto complainant, victim had given a statement to the police stating that the petitioner is known to the defacto complainant from very young age for the past 20 years and they were known from school days and he has no objection to delete the name of the petitioner. In the FIR he had mentioned about the persons, who had attacked him and used abusive words against him. The respondent police, for the reasons best known to them, without including the others, the respondent police has included the petitioner and deleted the real accused in this case. Hence, the petitioner has filed this quash petition.



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4.The learned counsel appearing for the defacto complainant contends that the defacto complainant had earlier given a letter to the respondent police to delete the name of the petitioner and further, the petitioner is known to the defacto complainant from his young age. The defacto complainant had filed an affidavit confirming the same stating that the petitioner and the defacto complainant are known to each other from the school itself and the defacto complainant got no object for quashing the proceedings as against the defacto complainant.

5.The learned Additional Public Prosecutor appearing for the respondent police submits that in this case, on the complaint of the defacto complainant, the case has been registered and name of five persons have been included. Thereafter, during investigation the accused persons were arrested and one A3, Senthoorapandi, during his confession had given details about the other accused and how they had earlier planned to attack the petitioner and how they had entered the street of the petitioner and damaged the articles found on the way. Thereafter only, the petitioner had been arrayed as accused. He fairly submitted that the letter given by the defacto complainant/second respondent is find part of the record.



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5.The learned counsel for the defacto complainant also submits that the defacto complainant is ready to give another letter with the same words.

6.Recording the above submission, the defacto complainant is directed to appear before the respondent police and hand over the letter, a copy of which has been annexed in the quash petition.

7.In view of the fact that the defacto complainant has confirmed that the petitioner was not present in the scene of occurrence and he has not attacked the defacto complainant and further, they are known to each other from the School days and except the confession of A3, there is nothing against the petitioner, this petition is **allowed** and the case in Crime No.158 of 2024 is quashed as against the petitioner. Consequently, connected miscellaneous petition is closed.

09.01.2024

NCC : Yes / No
Index : Yes / No
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To

- 1.The Deputy Superintendent of Police,
Aruppukottai Sub Divison,
Virudhunagar District.
- 2.The Inspector of Police,
Aviyur Police Station,
Virudhunagar District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR, J.

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