



Crl.O.P.(MD) No.6738 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 04.09.2025

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD) No.6738 of 2025

and

Crl.M.P.(MD) Nos.4923 & 4924 of 2025

1.Sudhakar @ Michel Sudhakar

2.Divine @ Omilias Divine

... Petitioners

Vs.

1.The State of Tamil Nadu
Represented by
The Inspector of Police,
Koodankulam Police Station,
Tirunelveli District.
(Crime No.196 of 2024)

2.Analish

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of Bharathiya Nagarik Suraksha Sanhita, 2023 to call for the records in P.R.C.No.14 of 2025 on the file of the learned Judicial Magistrate, Radhapuram and quash the same as against the petitioners

For Petitioners : Mr.P.Suresh

For R1 : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor



WEB COPY



Crl.O.P.(MD) No.6738 of 2025

For R2

: No appearance

ORDER

This Criminal Original Petition has been filed to quash the final report filed by the first respondent against the petitioners and others for the offences punishable under Sections 120B, 307, 302, 149 and 114 of the Indian Penal Code, 1860, in P.R.C.No.14 of 2025 on the file of the learned Judicial Magistrate, Radhapuram.

2. The allegation in the final report is that the deceased, David, was done to death on 08.05.2024 by A1 to A3. It is further alleged that the petitioners, who have been arrayed as A8 and A9, were involved in the conspiracy to commit the said offence of murder and attempt to murder, besides being members of the unlawful assembly.

3. The learned counsel for the petitioners would submit that initially, the FIR was filed only against three persons, and as an afterthought, the petitioners, who are innocent, were roped in the final report. He would further submit that though four witnesses were examined in order to implicate the petitioners for the offence of conspiracy, those

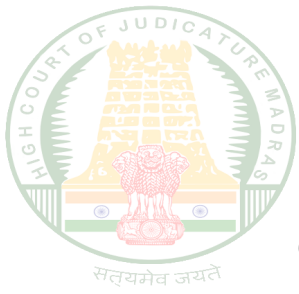


Crl.O.P.(MD) No.6738 of 2025

witnesses have not spoken about the presence or role of the petitioners in the alleged occurrence and hence, the impugned final report is liable to be quashed.

4. The learned Additional Public Prosecutor for the first respondent, per contra, would submit that the prosecution has recorded the statements of 44 witnesses and filed the final report, and that the prosecution has produced sufficient materials, which would establish the involvement of the petitioners also in the alleged offence.

5. It is informed that the charges are yet to be framed. The points raised by the petitioners in this quash petition are factual in nature. The main contention of the petitioners is that though they were not named in the FIR, they were subsequently added in the final report to wreak vengeance. The submission that the petitioners have been falsely implicated in this case cannot be adjudicated in a quash petition. The petitioners may raise all these points during the trial. The learned Judicial Magistrate shall consider the same without being influenced by any of the observations made in this order.



Crl.O.P.(MD) No.6738 of 2025

6. With the above observations, this Criminal Original Petition is dismissed. Consequently, the connected Miscellaneous Petitions are closed.

04.09.2025

JEN

Index: Yes/ No

Neutral Citation: Yes / No

Speaking Order / Non-Speaking Order

Copy To:

- 1.The Judicial Magistrate,
Radhapuram,
Tirunelveli District.
- 2.The Inspector of Police,
Koodankulam Police Station,
Tirunelveli District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.O.P.(MD) No.6738 of 2025

SUNDER MOHAN, J.

JEN

Crl.O.P.(MD) No.6738 of 2025

04.09.2025