



Crl.O.P.(MD)No.15131 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.10.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD).No.15131 of 2025

and

Crl.M.P.(MD).Nos.12286 and 12287 of 2025

Thiyaneshwaran

... Petitioner/Accused No.7

Vs.

The State of Tamil Nadu, Rep. by,
The Inspector of Police,
Vadipatti Police Station,
Maduari District.
In Crime No.302 of 2017

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 528 of BNSS, 2023, to call for the records pertaining to the Charge Sheet in PRC No.50 of 2018 for an alleged offence under section 399 of IPC on the file of the Judicial Magistrate, Vadipatti, Madurai District, and quash the same as illegal against the petitioner.

For Petitioner : Mr.M.Maran

For Respondent : Mr.K.Sanjai Gandhi
Government Advocate (Crl. Side)



Crl.O.P.(MD)No.15131 of 2025

ORDER

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The petitioner seeks to quash the impugned final report in P.R.C.No.50 of 2018 on the file of the learned Judicial Magistrate, Vadipatti, Madurai District, which was filed for the offence under Section 399 of IPC.

2. The allegation in the final report is that the respondent while conducting a routine vehicle check had intercepted three vehicles, a two wheeler and two cars, in which, the petitioner along with other accused was travelling; and that A1 had confessed that all of them were planning to commit dacoity and thus, they committed the aforesaid offence.

3. The learned counsel for the petitioner would submit that the impugned prosecution against the petitioner, who is arrayed as A7, is an abuse of process of law; that no seizure was made from the petitioner; that there is nothing to suggest that the petitioner had planned to commit dacoity; that the only material available against the petitioner is the confession of the co-accused; that the prosecution cannot be sustained on such evidence and sought for quashing of the final report.



Crl.O.P.(MD)No.15131 of 2025

4. The learned Government Advocate (Crl. Side) per contra would submit that the petitioner was travelling in a stolen car; that the said car belongs to L.W.5, one Jamear; that therefore, the question as to whether the petitioner is guilty of the offence cannot be adjudicated in a quash petition and sought for dismissal of the quash petition.

5. In response, the learned counsel for the petitioner would submit that the owner of the vehicle admittedly had not given any complaint alleging theft of his vehicle; and that in any case, the petitioner cannot be prosecuted for the offence under Section 399 of IPC.

6. It is not the case of the prosecution that the petitioner had been prosecuted for any alleged theft of the vehicle said to be belonging to L.W.5. The only allegation against the petitioner is for the offence under Section 399 of IPC. The case of the respondent is that the vehicle, in which the petitioner was travelling, was intercepted and A1 had given confession that they are planning to commit dacoity. No other incriminating material was seized from the petitioner. The petitioner has no bad antecedents. Since the only material available against the petitioner is the confession of the co-accused, this Court is of the view that the chances of conviction of petitioner are bleak. Hence, the



Crl.O.P.(MD)No.15131 of 2025

continuation of the impugned prosecution would be a futile exercise and this Court is inclined to quash the final report. Accordingly, the impugned final report in P.R.C.No.50 of 2018 on the file of the learned Judicial Magistrate, Vadipatti, Madurai District is quashed and the Criminal Original Petition is allowed. Consequently, connected miscellaneous petitions are closed.

27.10.2025

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

To

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



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Crl.O.P.(MD)No.15131 of 2025

SUNDER MOHAN, J.

Lm

Crl.O.P(MD).No.15131 of 2025

27.10.2025