



Crl.O.P.(MD)No.15981 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.11.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD).No.15981 of 2025

and

Crl.M.P.(MD).No.13033 of 2025

K.Ayyappan @ Manikandan

... Petitioner/Accused No.2

Vs.

**1.The State of Tamil Nadu Rep. by,
The Inspector of Police,
Devakottai Town Police Station,
Sivagangai District.
(Crime No. 426/2021)**

... 1st Respondent/Complainant

**2.Chandrasekaran,
Village Administrative Officer,
Udhayachi Group,
Devakottai Taluk.**

... 2nd Respondent/ Defacto Complainant

Prayer: Criminal Original Petition filed under Section 528 of BNSS, 2023, to call for the records relating to the P.R.C.No.25 of 2023 on the file of the Learned Judicial Magistrate, Devakottai and quash the same as against the petitioner.

For Petitioner : Mr.G.M.Xavier

**For R-1 : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor**

**For R-2 : Mr.A.Oliraja
Government Advocate**



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ORDER

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This Criminal Original Petition is filed to quash the impugned final report in P.R.C.No.25 of 2023 on the file of the learned Judicial Magistrate, Devakottai, which was filed for the offences under Section 147, 148, 506(1) of IPC, Section 25(1A) of Arms Act, 1959 read with Section 7(1)(a) of the Criminal Law Amendment Act, 1932.

2. The gist of the allegations in the final report is that the petitioner along with others had circulated a video through Whatsapp, in which, A1 was found cutting cake with a sword on his birthday and the other accused had stated that two of their enemies must be done to death and thus committed the aforesaid offences.

3. The learned counsel for the petitioner would submit that the petitioner was not present in the scene of occurrence; that the impugned prosecution as against the petitioner has been foisted only because the Investigating Officer had a grudge against him; that the previous cases registered against him are all either disposed or referred; and that therefore, the impugned prosecution is liable to be quashed. He would also produce the the copy of the video, based on which, the impugned prosecution was initiated by the respondents.



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4. This Court had requested the learned Additional Public Prosecutor to verify through the Investigating Officer as to whether the petitioner herein was present in the video, which was stated to be circulated. The learned Additional Public Prosecutor, on instructions, would fairly submit that the petitioner's presence is doubtful. He however would submit that the petitioner has nine previous cases and history sheet has been opened against him and produced the list of cases against him.

5. It is seen from the list of cases produced by the first respondent that out of nine cases, five cases have already been disposed of and the other cases are pending for major offences under Sections 379 or 420 or 506(2) of IPC and such other offences. In any case, the law is well settled that each case has to be considered on its own merits and the antecedents of the petitioner would have no bearing while considering the involvement of the petitioner in the instant case. Considering the fact that the alleged threat was not made in person and it is only on the basis of a video circulated through Whatsapp, the case was initiated and the presence of the petitioner has not been confirmed in the video, this Court is of the view that no useful purpose would be served in keeping the impugned final report pending trial as against the petitioner. Accordingly, the impugned final report in P.R.C.No.25 of 2023 on the file of the learned Judicial



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Magistrate, Devakottai is quashed only insofar as the petitioner is concerned and the Criminal Original Petition stands allowed. Consequently, connected miscellaneous petition is closed.

07.11.2025

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

To

- 1.The Judicial Magistrate Court,
Devakottai.
- 2.The Inspector of Police,
Devakottai Town 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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