



CRL OP(MD). No.19272 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 04.11.2025

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

**CRL OP(MD). No.19272 of 2025
and
CrI.MP(MD)No.16121 of 2025**

Devaraj,

... Petitioner

Vs.

1. The State of Tamilnadu,,
Rep. By, The Inspector of Police,
Tallakulam Police Station,
Madurai District.
Crime No.581 of 2025.

2. Athikunthakannan,
The Sub Inspector of Police,
Tallakulam Police Station,
Madurai District.

... Respondents

PRAYER :- This Petition is filed under Section 528 BNSS, to call for the records relating to the charge Sheet /Final Report in PRC No.505/2025 on the file of the Judicial Magistrate No.II, Madurai and quash the same in so far as the petitioner/Accused No.4 herein concerned.

For Petitioner : Mr.S. Selvkrishnan,

For Respondents : Mr.R.Meenakshi Sundaram,
Government Advocate (CrI.Side) for R1



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ORDER

This Criminal Original Petition has been filed to quash the impugned final report in P.R.C.No.505 of 2025, on the file of the learned Judicial Magistrate No.II, Madurai, filed against the petitioner, arrayed as A6, for the offence under Section 310(4) of BNS, 2023 (corresponding to Section 399 of the Indian Penal Code, 1860).

2. The allegation in the final report is that the petitioner/A4 had joined the other accused in making preparation for committing dacoity; that when the police arrived at the place of occurrence, A1 and A2 were armed with knives, A3 was armed with a rope, the petitioner and A5 were armed with Sakthi Masala chilli powder packets, and the petitioner joined them with the intention of tying the hands of persons who come to the festival or are alone in nearby houses, using the chilli powder on such victims' eyes to facilitate the dacoity.

3. The learned counsel for the petitioner would submit that the allegations are false; that the petitioner is aged about 24 years and is



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pursuing a postgraduate degree at the Government Arts College; that due to the impugned proceedings, the petitioner is unable to concentrate on his studies; that no incriminating weapon has been recovered from the petitioner; that, apart from the confession of the co-accused, there is no other evidence to implicate the petitioner in this case; that the petitioner has no bad antecedents; and that continuation of the impugned proceedings against the petitioner would be a futile exercise and are liable to be quashed.

4. Heard the learned Additional Public Prosecutor for the first respondent. He would fairly submit that no incriminating material was seized from the petitioner; that the only evidence available against the petitioner is the confession of the co-accused; and that the petitioner has no bad antecedents.

5. The allegation against the petitioner is that he, along with the other accused, was planning to commit dacoity as stated earlier. Admittedly, no incriminating material or weapon was seized from the petitioner. The only evidence available against the petitioner is the



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confession of the co-accused. The prosecution has cited four witnesses, all of whom are official witnesses. In the absence of any recovery from the petitioner, and since the only material against the petitioner is the confession of the co-accused, this Court is of the view that it would be a futile exercise to allow the prosecution to continue against the petitioner. It is also an admitted fact that the petitioner has no bad antecedents. For all the above reasons, this Court is inclined to quash the impugned proceedings against the petitioner alone.

6. In the result, this Criminal Original Petition is allowed and the impugned final report is hereby quashed. Consequently, the connected Miscellaneous Petition is closed.

04.11.2025

Index: Yes/ No
NCC : Yes/No
Internet: Yes/No
LS



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WEB COPY To:

- 1.The Judicial Magistrate No.II,
Madurai.
- 2.The Inspector of Police,
Thallakulam Police Station,
Madurai City.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SUNDER MOHAN,J.

LS

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