



CRL OP(MD). No.16007 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 23/09/2025

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THE HONOURABLE MR. JUSTICE SUNDER MOHAN

CRL.O.P(MD)No.16007 of 2025
and
CrI.M.P(MD) No.13055 of 2025

Jayaram

... Petitioner

Vs

State through
The Inspector of Police,
Keerathurai Police Station,
Madurai District.

... Respondent

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records pertaining to the proceedings in Crime No. 195 of 2024 on the file of the respondent police and quash the same.

For Petitioner : Mr.R.Balamuruganantham,

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

ORDER

The petitioner seeks to quash the FIR in Crime No.195 of 2024 on the file of the respondent police, for the offences under Section 399 of IPC and Section 25(1)(a) of ARMS Act, 1959.

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2.The allegation in the FIR is that the petitioner(A4) along with other accused was found in suspicious circumstances on 23.04/2024 and when questioned by the respondent police, it was found that A1 and A2 were found in possession of knives and A3 was found in possession of a chilli powder packet and that the confession of A1 revealed that the petitioner along with other accused had planned to commit dacoity and thus, committed the above said offences.

3.The learned counsel for the petitioner would submit that the petitioner is aged about 18 years and he has no bad antecedent and that the only evidence against him is the confession of first accused. The learned counsel would further submit that the prosecution cannot be maintained on the basis of such evidence and sought for quash of FIR.

4.The learned Additional Public Prosecutor appearing for the respondent police, on instructions, would submit that the investigation has been completed and the final report has been filed before the learned Judicial Magistrate No.IV, Madurai. He would fairly submit that the only evidence against the petitioner is the confession of the first accused and that the petitioner has no bad antecedents.



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5. Admittedly, the petitioner has no bad antecedents and no weapon or any other incriminating material was seized from the petitioner. The petitioner is sought to be prosecuted only on the basis of the confession of a co-accused and there is no other evidence against the petitioner.

6. This Court is of the view that though the final report has been filed, the prosecution against the petitioner cannot be sustained on the basis of such evidence. Therefore, it would be a futile exercise to keep the proceedings pending against the petitioner. Hence, considering the above facts, age of the petitioner and the fact that he has no bad antecedents, this Court is inclined to quash the impugned FIR in Crime No.119 of 2017 and the consequential, final report against the petitioner alone.

7. In the result, this Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

23.09.2025

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

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To

- 1.The Judicial Magistrate No.IV, Madurai.
- 2.The Inspector of Police,
Keerathurai Police Station,
Madurai District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SUNDER MOHAN,J

cp

ORDER
IN
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Date : 23/09/2025