



Crl.O.P.(MD) No.16238 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on	24.09.2025
Pronounced on	26.09.2025

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD) No.16238 of 2025

and

Crl.M.P.(MD) Nos.13262 & 13263 of 2025

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... Petitioner

Vs.

1.The State of Tamil Nadu
Rep. by the Inspector of Police,
Sivagangai Town Police Station,
Sivagangai District.
(Crime No.812 of 2015)

2.Elanchezian
Sub Inspector of Police,
Sivagangai Town Police Station,
Sivagangai District.

... Respondents

Prayer : Criminal Original Petition filed under Section 528 of Bharathiya Nagarik Suraksha Sanhita, 2023 to call for the records relating to the proceedings in C.C.No.285 of 2016 on the file of the learned Judicial Magistrate No.I, Sivagangai and quash the same as against the petitioner.

For Petitioner : Mr.J.Yogeswaran



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For R1

: Mr.R.Meenakshi Sundaram
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to quash the final report in C.C.No.285 of 2016 on the file of the learned Judicial Magistrate No.I, Sivagangai, filed against the petitioner for the offences punishable under Section 399 of the Indian Penal Code, 1860, read with Sections 20 and 30 of the Arms Act, 1959.

2. The allegation in the final report is that on 16.11.2015 at about 04:00 p.m., the second respondent, Sub-Inspector of Police, on secret information, along with his team, went to the place of occurrence, where the petitioner, along with other accused, was found in possession of weapons and was planning to commit dacoity; and that, on their confession, the weapons were seized and thereafter they were prosecuted for the aforesaid offences.

3. The learned counsel for the petitioner submitted that the allegations are false; that no independent witnesses were examined; that the petitioner had no bad antecedents; that although the alleged



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occurrence took place in 2015 and the final report was filed in 2016, the respondents have not examined any witnesses so far and the proceedings have been pending for more than nine years; and that since the prosecution is reluctant to examine the witnesses, the impugned proceedings are liable to be quashed.

4. The learned Additional Public Prosecutor for the first respondent, per contra, submitted that since the case was posted for the appearance of the accused, there was a delay in the conduct of the prosecution; that the witnesses are all official witnesses who would be examined soon; that the delay in conclusion of the trial alone cannot be a basis for quashing the impugned proceedings; that other averments that no independent witnesses were examined also would not be a basis to quash the impugned proceedings, as the evidence of the police officers cannot be disregarded, and therefore, sought dismissal of this quash petition.

5. The occurrence is said to have taken place in 2015. Admittedly, though the final report was filed in 2016, no witnesses have been examined so far. The petitioner is sought to be prosecuted only on the confession of the co-accused. The averments in the FIR and the final



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report are vague as to what was the weapon seized from the petitioner.

The petitioner had no bad antecedents.

6. Considering the facts that the petitioner is sought to be prosecuted only on the confession of the co-accused and there is no other material to connect the petitioner with the alleged offence of planning to commit dacoity; that though the alleged occurrence took place in 2015, the prosecution has not examined any witnesses since 2016; that there is no independent evidence on the side of the prosecution; that the right of the petitioner under Article 21 of the Constitution of India has been violated; and that none of the offences alleged are made out against the petitioner, this Court is of the view that the impugned proceedings are liable to be quashed as against the petitioner alone. Accordingly, the impugned proceedings are quashed insofar as the petitioner is concerned.

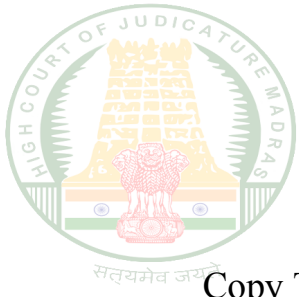
7. In the result, this Criminal Original Petition is allowed.
Consequently, the connected Miscellaneous Petitions are closed.

26.09.2025

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Index: Yes/ No

Neutral Citation: Yes / No



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- 1.The Judicial Magistrate No.I,
Sivagangai.
- 2.The Inspector of Police,
Sivagangai Town Police Station,
Sivagangai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SUNDER MOHAN, J.

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Pre-Delivery Order made
in
Crl.O.P.(MD) No.16238 of 2025

26.09.2025