



Crl.O.P.(MD) No.17798 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.10.2025

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THE HON'BLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD) No.17798 of 2025

and

CrI.M.P.(MD) Nos.14605 & 14606 of 2025

Alan James

... Petitioner

Vs.

State of Tamil Nadu rep. by
The Inspector of Police,
Melapalayam Police Station,
Tirunelveli City.
(Crime No.348 of 2022)

... Respondent

PRAYER : Criminal Original Petition filed under Section 528 of Bharathiya Nagarik Suraksha Sanhita, 2023 to call for the records relating to the charge sheet in S.C.No.744 of 2023 on the file of the learned Chief Judicial Magistrate at Tirunelveli and quash the same.

For Petitioner : Mr.S.Kasirajan

For Respondent : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor



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ORDER

This Criminal Original Petition has been filed seeking to quash the impugned final report in S.C.No.744 of 2023 on the file of the learned Chief Judicial Magistrate, Tirunelveli, filed against the petitioner/A10 for the offences punishable under Sections 399 and 34 of the Indian Penal Code, 1860, and Section 25(1A) of the Arms Act, 1959.

2. It is the case of the prosecution that the petitioner, arrayed as A10, along with the other accused, was planning to commit dacoity by intercepting vehicles on the main road; that A1 and A3 were in possession of dangerous weapons; and that when the police personnel questioned them, they confessed about their plan and thus committed the aforesaid offences.

3. The learned counsel for the petitioner would submit that the petitioner has been falsely implicated in this case; that the FIR lodged by the Sub-Inspector of Police, who had intercepted the accused, mentions the presence of only five persons; that in the absence of any independent witnesses, the implication of the petitioner is an afterthought; that the only evidence against the petitioner is the confession of the co-accused; that



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the petitioner has no bad antecedents; that no weapon was seized from the possession of the petitioner; and therefore, the impugned prosecution against the petitioner is an abuse of process of law; and that based on the available evidence, the chances of conviction are bleak.

4. The learned Additional Public Prosecutor for the respondent, per contra, would submit that the question as to whether the petitioner was involved in the alleged occurrence has to be adjudicated only during the trial; that the evidence of the police officers cannot be treated with suspicion; and that though the petitioner has no bad antecedents and no weapon was seized from the petitioner, the impugned final report cannot be quashed on that ground alone.

5. Admittedly, the petitioner's name does not find place in the FIR. The FIR was lodged by the Sub-Inspector of Police, who stated about the presence of only five persons. All the said five persons have been named in the FIR. There is no reference to the presence of any other persons.

6. Apart from the Constables and the Sub-Inspector of Police attached to the respondent police station, no other independent witnesses



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have been examined. The only evidence against the petitioner is the confession of the co-accused. No weapon has been seized from the petitioner. Admittedly, the petitioner has no bad antecedents. In the light of the evidence and the material collected by the prosecution, the chances of conviction are bleak. Therefore, the continuation of the prosecution would be a futile exercise. Hence, this Court is inclined to quash the final report insofar as the petitioner is concerned.

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

22.10.2025

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Index: Yes/ No

Neutral Citation: Yes / No

Speaking Order / Non-Speaking Order

Copy To:

- 1.The Chief Judicial Magistrate,
Tirunelveli.
- 2.The Inspector of Police,
Melapalayam Police Station,
Tirunelveli City.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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SUNDER MOHAN, J.

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