



Crl.O.P.(MD) No.17037 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.10.2025

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD) No.17037 of 2025

and

Crl.M.P.(MD) Nos.13848 & 13849 of 2025

1.Saravana Vadivel

2.Rajasekar

3.Sathish Prabhu

4.Karuppasamy @ Vasanth

5.Saravanapandi

6.Nagaraj

7.Muthupandi

8.Venkatesh

... Petitioners

Vs.

1.State of Tamilnadu rep. by
The Inspector of Police,
T.Kalluppatti Police Station,
Madurai District.
Crime No.125 of 2015

2.Mr.Veerasolai
Sub-Inspector of Police,
T.Kalluppatti Police Station,
Madurai District.

... Respondents



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PRAYER : Criminal Original Petition filed under Section 528 of Bharathiya Nagarik Suraksha Sanhita, 2023 to call for the records and quash S.C.No.209 of 2016 on the file of the Sub Court, Thirumangalam.

For Petitioner : Mr.S.Pandiyaraj

For R1 : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking to quash the impugned final report in S.C.No.209 of 2016 on the file of the Sub Court, Thirumangalam, filed against the petitioners for the offence punishable under Section 399 of the Indian Penal Code, 1860.

2. The allegation in the final report is that when the second respondent, Sub-Inspector of Police, T. Kallupatti Police Station, and his team were conducting routine patrol duty, they found the petitioners moving around suspiciously with weapons; and that, upon enquiry, the petitioners confessed that they were planning to commit dacoity, and thus committed the aforesaid offence.



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3. The learned counsel for the petitioners would submit that, though the final report was filed in the year 2016 and the case was committed to the Sessions Court in the same year, the trial has not commenced so far; that no independent witnesses were cited by the first respondent police in the final report; that the only evidence relied upon by the respondent police is the confession of the accused, said to have been given to the second respondent, Sub-Inspector of Police/L.W.1; that the petitioners have no bad antecedents; that the impugned prosecution is pending for more than 10 years; that petitioners' right under Article 21 of the Constitution of India has been violated; that the chance of conviction is bleak; and that therefore, the impugned prosecution may be quashed.

4. The learned Additional Public Prosecutor for the first respondent, on instructions, would confirm that the trial has not commenced so far.

5. This Court has perused the impugned final report. Ten witnesses have been cited in the final report. All the witnesses are police officers belonging to the respondent police station, except for L.W.8 and L.W.9, who are stated to be witnesses to the observation mahazar. The only



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evidence relied upon by the respondent police is the alleged confession, said to have been made by A1 to A4 to the Sub-Inspector of Police. L.W.1 is the complainant/Sub-Inspector of Police. L.W.2 and L.W.3 speak about the confession and signed as witnesses in the seizure mahazar. L.W.4 to L.W.7 speak about the arrest of the petitioners. L.W.10 is the Inspector of Police and the Investigation Officer. From the above, it is clear that, apart from the confession, there are no other materials against the petitioners.

6. Though the final report was filed in the year 2016, there has been no progress in the trial and none of the witnesses have been examined so far. There is no acceptable reason for the delay. Therefore, it is clear that the respondents themselves are not interested in prosecuting the case. The petitioners have no bad antecedents. In the light of the above material against the petitioners, the chances of conviction are bleak. Therefore, for all the aforesaid reasons, this Court is of the view that no useful purpose would be served in keeping the impugned prosecution pending. Accordingly, the impugned prosecution is liable to be quashed and is hereby quashed.



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7. In the result, this Criminal Original Petition is allowed.

Consequently, the connected Miscellaneous Petitions are closed.

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Index: Yes/ No

Neutral Citation: Yes / No

Speaking Order / Non-Speaking Order

Copy To:

- 1.The Sub Judge,
Thirumangalam.
- 2.The Inspector of Police,
T.Kalluppatti Police Station,
Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SUNDER MOHAN, J.

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