



CRL OP(MD). No.18406 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 27/10/2025

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

CRL OP(MD). No.18406 of 2025

and

CrI.M.P(MD) Nos.15130 and 15131 of 2025

Micheal Suthakar @ Sutti Suthakar

... Petitioner

Vs

1. State of Tamilnadu

Rep by Inspector of Police,
Koodankulam Police Station,
Tirunelveli District.
(Crime No.563/2024).

2. Suki

... Respondents

Prayer : Criminal Original Petition filed under Section 528 of BNSS, to call for the records in P.R.C.No.115/2025 pending on the file of learned Judicial Magistrate Court, Radhapuram and quash the same against the petitioner.

For Petitioner : Mr.P.Suresh,
Advocate.

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



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For R2 : Mr.B.Kithiyon

ORDER

This Criminal Original Petition is filed seeking to quash the impugned final report in P.R.C.No.115 of 2025 on the file of learned Judicial Magistrate, Radhapuram, which was filed for the offences under Sections 4(b) of Explosive Substances Act, 1908.

2.The allegation in the final report is that the petitioner prepared a country bomb and placed it inside the compound wall of the defacto complainant's house in safe custody to attack his rivals at a later point of time and thus, committed the aforesaid offences.

3.The learned counsel for the petitioner would submit that the defacto complainant had lodged a complaint on 16.12.2024 stating that when she went to clean the backyard, she found a country made bomb placed near the compound wall; that during investigation, it was found that the petitioner, who knew how to manufacture country made bombs, had kept the bomb to attack his rivals; that the petitioner had confessed about the said crime of possessing country made bombs when his



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confession was recorded in a murder case in Crime No.383 of 2025. He would further submit that the defacto complainant had never lodged a complaint and therefore, the defacto complainant and the petitioner have filed a memo of compromise.

4.The learned counsel for the second respondent/defacto complainant would submit that the second respondent had never lodged a complaint that there was a country made bomb found in her premises.

5.The learned Additional Public Prosecutor, per contra, would submit that the defacto complainant in fact lodged the complaint; that the seizure of the country made bomb was made from the house of the second respondent; that there are witnesses to the seizure mahazar and that affidavit filed by the second respondent is only an attempt to protect the petitioner, who is her father. He would further submit that the points raised by the petitioner has to be adjudicated only in a trial and not in this petition.



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6. Even according to the prosecution, the second respondent had given a complaint on 16.12.2024 stating that country made bomb was found in her premises. However, there was no progress in the investigation until the petitioner gave a confession in a murder case in Crime No.383 of 2025, wherein he had confessed that he had kept the bomb safely for using it to attack his rivals.

7. Admittedly, apart from the confession, there is no other evidence to connect the petitioner with the alleged offence. Even if the affidavit of the second respondent stating that she had not lodged a complaint is believed, since there are witnesses to the seizure of the bomb from the house of the second respondent, the conviction cannot be based on such an inadmissible evidence of the confession of the accused. The chances of conviction therefore, are bleak and no useful purpose would be served in keeping the impugned prosecution pending.

8. Accordingly, the impugned final report in P.R.C.No.115 of 2025 pending on the file of learned Judicial Magistrate Court, Radhapuram, is quashed and the Criminal Original Petition is allowed. Consequently,



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connected miscellaneous petitions are closed.

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27.10.2025

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

1.The Judicial Magistrate,
Radhapuram.

2.The Inspector of Police,
Koodankulam Police Station,
Tirunelveli District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SUNDER MOHAN,J

CP

ORDER
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