



Crl.O.P.(MD)No.19797 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.11.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD).No.19797 of 2025

and

Crl.M.P.(MD).No.16629 of 2025

Vasanthkumar

... Petitioner/Accused No.3

Vs.

The State of Tamil Nadu, Rep. by,
The Inspector of Police,
Somarasampet,
Trichy District.
(Crime No.440/2025)

... Respondent/ Defacto Complainant

Prayer: Criminal Original Petition filed under Section 528 of BNSS, 2023, to call for the records pertaining to the case registered in First Information Report in Crime No.440 of 2025 on the file of the respondent and quash the same as illegal.

For Petitioner : Mr.K.Durai Pandian

For R-1 : Mr.K.Sanjai Gandhi
Government Advocate (Crl. Side)



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ORDER

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This Criminal Original Petition is filed to quash the impugned FIR in Crime No.440 of 2025 registered for the offences under Section 310(4) of BNS, 2023 (corresponding to Section 399 of IPC).

2. The allegation in the FIR is that the petitioner along with others were planning to commit dacoity; that when questioned by the respondent, they gave evasive replies and certain weapons and chilli powder were seized; and that on the confession of the first accused, the petitioner and another accused were implicated.

3. The learned counsel for the petitioner would submit that the allegations are false; that except for the confession of the first accused, there is no other evidence as against the petitioner; and that the petitioner has no bad antecedents.

4. The learned Government Advocate (Crl. Side) per contra submitted that the case is still at the investigation stage and that the respondent is unable to state as to whether there is any other material as against the petitioner.



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5. It is needless to say that if the only material available against the petitioner is the confession of the first accused, then, the chances of conviction of the petitioner are bleak and the petitioner cannot be subjected to prosecution. However, this Court is of the view that the respondent ought to be given an opportunity to collect evidence. It is stated that the petitioner is a diploma graduate and an aspirant for a Government job. Hence, the respondent shall complete the investigation and file a final report within a period of three (3) weeks from the date of receipt of a copy of this order. If the petitioner is aggrieved by the final report, it is open to him to challenge the same in the manner known to law.

6. With the above observations, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petition is closed.

10.11.2025

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



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To

1. The Inspector of Police,
Somarasampet,
Trichy District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SUNDER MOHAN, J.

Lm

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