



Crl.O.P.(MD)No.19432 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.19432 of 2025

and

Crl.MP.(MD).Nos.16266 and 16267 of 2025

1.Arun Karthick

2.Wilson

3.Vishal

... Petitioners/Accused 2, 4 & 6

Vs.

The State of Tamil Nadu Rep. by its,

The Inspector of Police,

Dhadikombu Police Station,

Dindigul District.

(Crime No.232 of 2023)

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 528 of BNSS, 2023, to call for the records in connection with the case in S.C.No.268 of 2025 on the file of Learned Additional District and Sessions Judge, Dindigul and quash the charge sheet filed in the above case as illegal as against the petitioners concerned.

For Petitioners : Mr.S.Sukumar

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



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ORDER

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This Criminal Original Petition is filed to quash the impugned final report in S.C.No.268 of 2025 on the file of the learned Additional District and Sessions Judge, Dindigul, which was filed for the offence under Section 399 of IPC.

2. The petitioners are arrayed as A2, A4 and A6. The gist of the allegations in the final report is that the petitioners along with others, armed with weapons and chilli powder, were planning to enter into the houses and attack the inmates and thereafter, commit dacoity in the said houses.

3. The learned counsel for the petitioners would submit that the petitioners 2 and 3, who are arrayed as A4 and A6, have no bad antecedents; that the first petitioner has two previous cases, out of which, one case in Crime No.18 of 2022 was referred as mistake of fact and the other case was disposed of; that apart from the confession of the co-accused, there is no other material against the petitioners to hold the petitioners guilty of the offence under Section 399 of IPC.



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4. The learned Additional Public Prosecutor per contra submitted that weapons were seized from the petitioners; that therefore, the question as to whether the petitioners had planned to commit dacoity cannot be adjudicated in a quash petition and sought for dismissal of the quash petition. He would further submit that the first petitioner had two previous cases and would confirm that out of the two cases, one case was referred as mistake of fact and the other case was disposed of.

5. The prosecution has cited eight witnesses. All the witnesses are officials attached to the respondent Police Station except for the observation mahazar witnesses. The respondent though had stated in the final report that the weapons were seized, have not specified the nature of the weapons. The only evidence as against the petitioners is the confession of the co-accused. The petitioners 2 and 3 have no bad antecedents. As on date, there is no case pending as against the first petitioner also. In the light of the material available, the chances of conviction of the petitioners are bleak as no independent witnesses were examined and the only material is the confession of the co-accused as stated earlier. The description or the size of the weapons is also not mentioned. Hence, this Court is of the view that the impugned



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prosecution as against the petitioners is liable to be quashed and hence
quashed.

6. Accordingly, the Criminal Original Petition stands allowed.

Consequently, connected miscellaneous petitions are closed.

10.11.2025

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

To

1.The Additional District and Sessions Court,
Dindigul.

2.The Inspector of Police,
Dhadikombu Police Station,
Dindigul District.

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



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SUNDER MOHAN, J.

Lm/ars

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