



Crl.O.P.(MD)No.19517 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.19517 of 2025

and

Crl.M.P.(MD).Nos.16365 and 16368 of 2025

Subash

... Petitioner / Accused No.5

Vs.

1.The State of Tamilnadu,
Through its the Inspector of Police,
S.S.Colony Police Station,
Madurai District.
(Crime No.51 of 2025).

... 1st Respondent/Complainant

2.Amalan,
Sub-Inspector of Police,
S.S.Colony Police Station,
Madurai District.

... 2nd Respondent/ Defacto
Complainant

Prayer: Criminal Original Petition filed under Section 528 of BNSS, 2023, to call for the records pertaining to the case in P.R.C.No.736 of 2025 under Sections 310(4) of BNS, 2023 and corresponding Section 399 of Indian Penal Code pending trial on the file of learned Judicial Magistrate No.V, Madurai, and quash the same as illegal.



WEB COPY



Crl.O.P.(MD)No.19517 of 2025

For Petitioner : Mr.Marimuthu.M
For R-1 : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to quash the impugned final report in P.R.C.No.736 of 2025, on the file of the learned Judicial Magistrate No.V, Madurai, filed against the petitioner, arrayed as A5, for the offence under Section 310(4) of BNS, 2023 (corresponding to Section 399 of the Indian Penal Code, 1860).

2. The allegation in the impugned final report is that the petitioner/A5 had joined with the other accused in making preparations for committing dacoity; that when the Police arrived at the place of occurrence, the accused were armed with knives, a rope, chilli powder packets, and the petitioner joined them with the intention of tying the hands of persons who open the door, using the chilli powder on such victims' eyes to facilitate the dacoity.

3. The learned counsel for the petitioner would submit that the allegations are false; that no incriminating weapon has been recovered from the petitioner; that, apart from the confession of the co-accused, there is no other evidence to implicate the petitioner in this case; and that continuation of the



Crl.O.P.(MD)No.19517 of 2025

impugned proceedings against the petitioner would be a futile exercise and are liable to be quashed.

4. Heard the learned Additional Public Prosecutor for the first respondent. He would fairly submit that no incriminating material was seized from the petitioner; that the only evidence available against the petitioner is the confession of the co-accused.

5. The allegation against the petitioner is that he, along with the other accused, was planning to commit dacoity as stated earlier. Admittedly, no incriminating material or weapon was seized from the petitioner. The only evidence available against the petitioner is the confession of the co-accused. The prosecution has cited five witnesses, all of whom are official witnesses. In the absence of any recovery from the petitioner, and since the only material against the petitioner is the confession of the co-accused, this Court is of the view that it would be a futile exercise to allow the prosecution to continue against the petitioner. For all the above reasons, this Court is inclined to quash the impugned proceedings against the petitioner alone.



Crl.O.P.(MD)No.19517 of 2025

6. In the result, this Criminal Original Petition is allowed. Consequently,
the connected Miscellaneous Petitions are closed.

10.11.2025

NCC : Yes / No

Index : Yes / No

Internet : Yes/ No

Indu

To

1.The Inspector of Police,
S.S.Colony Police Station,
Madurai District.

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



WEB COPY



CrI.O.P.(MD)No.19517 of 2025

SUNDER MOHAN, J.

Indu

CrI.O.P(MD).No.19517 of 2025

10.11.2025