



CRL OP(MD). No.20482 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 18.11.2025

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

**CRL OP(MD). No.20482 of 2025
and CrI.M.P(MD)Nos.17360 & 17361 of 2025**

1. Shiva Kumar,
2. Karthick,
3. Vivek Periyasamy,

... Petitioners

Vs.

1. State of Tamilnadu Rep by
Inspector of Police,
Alanganallur Police Station, Madurai District.
Crime No. 449 of 2024.

2. C. Raja,,
The Sub Inspector of Police,
Alanganallur Police Station,
Madurai District.

... Respondents

PRAYER :-This petition is filed under 528 BNSS, to call for the entire records pertaining to the case in S.C. No.759/2025 on the file of the learned I Additional District and Sessions Judge, Madurai District and quash the same as against the petitioners.

For Petitioners : Mr.Anand R.,

For Respondents : Mr.K.Sanjai Gandhi,
Government Advocate (CrI.Side) for R1

ORDER



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The petitioners seek to quash the impugned final report filed for the offences under Sections 310(4), 61(2), 191(2) and 191 (3) BNS.

2. The gist of the allegation in the final report is that the petitioners along with others were found in suspicious circumstances; that when they were intercepted by the police they were found in possession of weapons and chilli powder; and that they confessed that they were planning to commit dacoity by stopping the vehicles and thus committed the aforesaid offences.

3. The learned counsel for the petitioners would submit that the impugned prosecution is an abuse of process of law; that the petitioners have no bad antecedents; that only material against the petitioners to prove that the petitioners were planning to commit dacoity is the confession of the accused and that of the co-accused; that no independent evidences were examined by the respondents; that the seizure of chilli powder would be of no consequence; and that the prosecution cannot be sustained on such evidence.

4. The learned Government Advocate (Criminal Side), per contra, fairly submitted that the petitioners are prosecuted on the confession of



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the co-accused and chilli powder was recovered from the petitioners.

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5. On perusal of the final report, it is seen that the prosecution has cited 8 witnesses. LW1 and LW2 are Head Constables attached to the respondent police, who speak about their intercepting the petitioners and enquiring the petitioners. LW3 and LW4 are witnesses to the confession and seizure. LW5 and LW6 were also attached to the respondent police, who would corroborate the version of LW1 and LW2. LW7 and LW8 are the investigating officers. From the above list of witnesses, it is clear that the prosecution has not examined any independent witnesses.

6. From the above narration it would be clear that the prosecution relies upon the seizure made from the accused and their confession, to prove the offence of planning to commit dacoity. It is needless to state that the confession of the accused cannot be relied upon. The fact that the chilli powder was seized from the petitioners would be of no consequences and on that basis, the offence under Section 310(4) of the BNS (corresponding to Section 399 of the IPC) cannot be inferred. Consequently, the other offences relating to conspiracy and dacoity



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would not be made out and therefore, no useful purpose would be served in keeping the impugned final report pending trial as the chances of conviction of the petitioners are bleak

7. In view of the same, this Criminal Original Petition is allowed and the impugned final report is hereby quashed. Consequently, connected Miscellaneous Petitions are closed.

18.11.2025

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



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TO

1. The I Additional District and Sessions Judge,
Madurai District

2.The Inspector of Police,
Alanganallur Police Station,
Madurai District.

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



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SUNDER MOHAN,J

LS /ars

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