



CRL OP(MD)No.21277 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED :25.11.2025

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

CRL OP(MD). No.21277 of 2025

and

CrI.M.P.(MD)No.18257 and 18258 of 2025

Nagamalai

... Petitioner

Vs

1.State of Tamil Nadu,
Rep by the Inspector of Police,
Thalakulam Police Station,
Madurai City.
(Crime No.581 of 2025)

2.Athikuntha Kannan

... Respondents

PRAYER :- Criminal Original Petition is filed under Section 528 of BNSS, to call for the records in P.R.C.No.505 of 2025 on the file of the Learned Judicial Magistrate No.II, Madurai, Madurai and quash the Charge sheet as against the petitioner herein.

For Petitioner : Mr.C.Suresh Kannan

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



CRL OP(MD)No.21277 of 2025

ORDER

WEB COPY

This Criminal Original Petition has been filed to quash the final report in P.R.C.No.505 of 2025, on the file of the learned Judicial Magistrate No.II, Madurai, which was filed, 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 final report is that the petitioner/A3 along with the other accused was planning to commit dacoity; and that when the police arrived at the place of occurrence, A1 and A2 were armed with knives and A4 and A5 were armed with Sakthi Masala chilli powder packets, for that purpose.

3. The learned counsel for the petitioner would submit that the allegations are false; that the petitioner is aged about 23 years; that no 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; that the petitioner has no bad antecedents; and that continuation of the impugned proceedings against the petitioner would



CRL OP(MD)No.21277 of 2025

be a futile exercise and are liable to be quashed.

WEB COPY

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; and that the petitioner has no bad antecedents.

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 four witnesses, all of whom are official witnesses. The petitioner has no bad antecedents admittedly. In the light of the above material against the petitioner, it would be a futile exercise to allow the prosecution to continue against the petitioner, as the chances of conviction are bleak. Hence, this Court is inclined to quash the impugned proceedings against the petitioner alone.

6. In the result, this Criminal Original Petition is allowed and the



CRL OP(MD)No.21277 of 2025

impugned proceedings is quashed insofar as the petitioner alone is concerned. Consequently, the connected Miscellaneous Petitions are closed.

25.11.2025

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

To

- 1.The Judicial Magistrate No.II,
Madurai.
- 2.The Inspector of Police,
Thalakulam Police Station,
Madurai City.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

4/5



WEB COPY



CRL OP(MD)No.21277 of 2025

SUNDER MOHAN,J

CP/ars

ORDER IN
CRL OP(MD) No.21277 of 2025

25.11.2025