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CRL OP No. 6931 of 2026



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-03-2026

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THE HONOURABLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 6931 of 2026

AND

CRL MP NO. 5030 OF 2026, CRL MP NO. 5029 OF 2026

1. Kathiresan @ Kathir

2. Ramesh

Petitioners

Vs

1. The Inspector of Police,
Kottakuppam Police Station,
Villupuram District
(Crime No.821 of 2023)

2. Ramesh
Special Sub Inspector of Police (1150)
Kottakuppam Police Station,
Villupuram, District.

Respondents

PRAYER

This petition is filed under section 528 of BNSS seeking to call for the records relating to the case in PRC.No.61 of 2025 pending on the file of the Learned Judicial Magistrate Court, at Vanur and quash the same and pass such further or other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case and thus render justice.

For Petitioners: Mr.Thiyagarajan

For Respondents: Mr.Leonard Arul Joseph Selvam,
Addl. Public Prosecutor for R-1



ORDER

The petitioners, who are accused nos.1 and 2 in P.R.C.No.61 of 2025 on the file of the learned Judicial Magistrate, Vanur, for the alleged offences under sections 294(b), 353, 506(2) and 307 of IPC, has filed this quash petition.

2.The case of the prosecution is that on 28.12.2023 at about 09.30 a.m., the Special Sub Inspector of Police of Kottakuppam Police Station, along with one Sampathkumar, Head Constable and one Sathishkumar, Grade I Constable was on patrol duty and keeping watch in Kottaimedu to Kuyilampalayam Road and when they were passing through a coconut grove, they found both the petitioners carrying knives and threatening the passer-bys claiming that they belong to one Arul (A3) group and by using his name, they were demanding money from the public and they were threatening by saying that if money is not given, they will inflict injuries on them and further they would cause damage to the vehicles. When the second respondent defacto complainant approached the petitioners and attempted to catch them, the first petitioner attempted to assault him using the knife and the same was successfully evaded by the defacto complainant. Immediately, A-2 attempted to attack the defacto complainant by using the knife and the same was also successfully evaded by him and on seeing this, the public ran helter skelter to save their lives and therefore, a case has been registered against them.

3.The learned counsel for the petitioners submitted that in this case, a FIR



has been registered on 28.12.2023 at about 11.45 hours. The defacto complainant lodged a complaint to the Inspector of Police at about 11.45 AM informing about the acts of the petitioners. It is submitted that the written complaint is a detailed one, in which it is stated that the accused were arrested at about 09.40 a.m. and two knives were seized through seizure mahazar at about 10.00 a.m. The accused were brought to the police station at about 10.40 a.m. and thereafter, the FIR has been registered and crime number was assigned. But in the seizure mahazar, it is stated that it is prepared at 10.00 a.m. and crime no.821 of 2023 for offences under sections 294(b), 353, 506(2) and 307 IPC have been recorded.

4.The learned counsel further submitted that except the two witnesses for the preparation of the observation mahazar, namely L.W.s 4 and 5, all other witnesses are police personnel and there is no independent witness for the arrest of the accused and the grounds of the arrest have not been furnished to the petitioners and further, the arrest memo has not been served to their relatives which were in clear violation of the judgment of the Hon'ble Supreme Court. The Hon'ble Supreme Court in *Mihir Rajesh Shah Vs. State of Maharashtra* reported in **(2026) 1 SCC 500** has held that non furnishing of the grounds of arrest and arrest memo would make the arrest illegal. The learned counsel further submitted that in this case, the witnesses for the seizure mahazar were the head constable and the Grade I constable. Though the occurrence was said



to have taken place in a public road, causing disturbance to the public and threatening them, but there is no independent witness was examined in this case.

It was also not recorded in the statement of witnesses that the public had refused to be the witnesses. Therefore, it is clear that it is a put up case for statistics purpose.

5.The learned counsel for the petitioners further submitted that the case against accused no.3 in this case had been quashed in Criminal O.P.No.2565 of 2026 by this court vide order dated 05.02.2026. Further, the offences are only threatening and nothing more and there was no injury sustained to invoke section 307 IPC. Therefore, the learned counsel has sought for quashing the case against the petitioners herein.

6.Mr.Leonard Arul Joseph Selvam, learned Additional Public Prosecutor takes notice for the first respondent and submitted that the defacto complainant who is the Special Sub Inspector of Police with other two police personnel were on patrol duty in the main road and at that time, they found both the petitioners herein with knives threatening the public. When the defacto complainant attempted to catch the petitioners, they both attempted to attack the defacto complainant. The defacto complainant luckily has not sustained any injury in the attack. Both the petitioners were arrested on the spot and the knives used by them have been seized. They were brought to the police station, produced before the Inspector of Police, L.W.6. Further, LW1 had registered the FIR and



thereafter LW6 took up the investigation. After conducting investigation, they filed the charge sheet in this case. The learned Additional Public Prosecutor has fairly submitted that in this case, there is no public witness and there was no injury sustained to any one.

7.This court heard the submissions made by the learned counsel for the petitioners and the learned Additional Public Prosecutor and has perused the materials available on record. From the above narrative, it is seen that the petitioners are said to have threatened the public in the middle of the road with knives in a day light and they have also threatened the defacto complainant. But no independent witness was examined or listed as witnesses to examine them in this regard. Further, in this case, a perusal of the seizure mahazar for recovering the two knives would show that the occurrence is said to have taken place at 10.00 a.m. and the witnesses for the seizure mahazar are L.Ws.2 and 3. The FIR in this case was registered at about 11.45 a.m. Even in the complaint, it is stated that the accused were brought to the police station at about 10.40 a.m. and hence, the seizure mahazar is doubtful and it cannot be relied upon. Apart from that, to prove that the petitioners have threatened them with knives and the public ran helter skelter to save their lives, there is no independent witness examined in this case though the incident has happened in the middle of the public road and it has also been stated in the FIR that a panic situation arose during that period and hence, the non examination of private witness creates



doubt in the case on hand. Further, the case as against the accused no.3 had already been quashed by this court.

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8.In the light of the above, this court is inclined to quash the case against the petitioners herein in PRC No.61 of 2025 pending on the file of the Judicial Magistrate Court at Vanur. Accordingly, the case in PRC No.61 of 2025 on the file of the Judicial Magistrate at Vanur is quashed and this petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

23-03-2026

Index:Yes/No
Speaking/Non-speaking order
Internet:Yes
Neutral Citation:Yes/No
vvk

To

1.The Inspector of Police,
Kottakuppam Police Station,
Villupuram District.
Cr.No.821 of 2023.

2.The Additional Public Prosecutor,
High Court, Chennai.



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M.NIRMAL KUMAR J.

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