



Crl.O.P.(MD)No.225 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **07.01.2026**

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CORAM:

THE HONOURABLE **MRS.JUSTICE L.VICTORIA GOWRI**

Crl.O.P.(MD)No.225 of 2026

and

C.M.P.(MD)No.238 & 240 of 2026

Thangaraja

... Petitioner

Vs.

The State of Tamil Nadu,
1. The Inspector of Police,
Panagudi Police Station,
Tirunelveli District.
Crime No.351 of 2022

2. Jamal,
Sub Inspector of Police,
Panagudi Police Station,
Tirunelveli District.

... Respondents

PRAYER : Petition filed under Section 528 of BNSS, 2023 to call for the records in CC No.759 of 2025 on the file of the Judicial Magistrate Court, Valliyoor, Tirunelveli District and quash the same in respect of the petitioner concerned.

For Petitioner : Mr.R.Anand
for Mr.S.Micheal Heldon Kumar
For Respondents : Mr.M.Sakthi Kumar (R1)
Government Advocate



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ORDER

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The petitioner seeks for quash of the final report in CC No.759 of 2025 on the file of the Judicial Magistrate Court, Valliyoor, Tirunelveli District.

2. The petitioner herein is the second accused in the present case. On 17.09.2022, a First Information Report came to be registered by the first respondent police, alleging that while the petitioner and other accused were intercepted during routine patrol duty, they were found in an Omni vehicle bearing Registration No. TN 59 AP 6997, parked near AMS Fruit Shop, in illegal possession of banned tobacco products. Upon completion of the investigation, a final report was filed, and the same was taken cognizance of by the learned Judicial Magistrate, Valliyoor, Tirunelveli District, in C.C. No. 759 of 2025.

3. The learned counsel appearing for the petitioner categorically contended that the final report is liable to be quashed on account of the defective investigation conducted by the first respondent police, apart from the fact that the petitioner is innocent of the alleged offences. In support of his submissions, the learned counsel placed reliance on an order passed by this Court in an anticipatory bail petition filed by the petitioner in Crl.O.P.(MD) No.



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17306 & 17312 of 2022, dated 28.09.2022, wherein, this Court, upon being convinced after perusing the CCTV footage produced by the petitioner, found that the petitioner was not arrested at the scene of occurrence as claimed by the respondent police, but was in fact apprehended from his petty shop. That apart, it was also pointed out that, at the very same time when the petitioner was alleged to have been arrested at the scene of occurrence, he was shown to have been arrested from his petty shop. Taking note of these inconsistencies, this Court enlarged the petitioner on bail on certain conditions.

4. Now, relying upon the said facts, the learned counsel appearing for the petitioner insisted quashment of the final report. That apart, he also pointed out that claiming that the accused persons including the petitioner were found in possession of banned tobacco products. However, samples were not at all taken from even a single seized tobacco product, and forensic report in this regard has also not been obtained, that can be elucidated from a careful perusal of the final report itself.

5. Per contra, the learned Government Advocate appearing for the respondent police fairly conceded that the forensic report had not been enclosed by the investigating officer along with the final report and that there was,



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indeed, a lapse in the investigation. However, he categorically contended that the accused were found in possession of 672 packets of banned tobacco products and, on that ground, sought dismissal of the present petition.

6. Heard the learned counsel on either side and carefully perused the materials available on record.

7. This Court is of the considered view that, in the absence of the forensic report, the culpability of the petitioner herein cannot be duly established by the investigating agency or the prosecution before the trial Court. It is also necessary to note that, while considering the bail application filed by the petitioner in Crl.O.P.(MD) No. 17306 & 17312 of 2022, this Court had taken into account the fact that the petitioner/second accused was taken into custody from his petty shop and not from the scene of occurrence, as evidenced by the CCTV footage produced by the petitioner.

8. The learned counsel appearing for the petitioner once again placed the very same CCTV footage before this Court for perusal. Upon such perusal, this Court was satisfied that the petitioner was not arrested at the scene of occurrence, but was apprehended from his petty shop.



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9. The Hon'ble Apex Court has, time and again, settled the legal position that the material objects seized must be sent for forensic examination and that a forensic report is essential to establish the culpability of the accused in respect of the alleged offences and is required to be filed along with the final report. In this regard, the Hon'ble Apex Court, in the case of **Pradeep Kumar Kesarwani vs. State of Uttar Pradesh and another** reported in **2025 SCCOnline SC 1947** has held as follows:-

“20. The following steps should ordinarily determine the veracity of a prayer for quashing, raised by an accused by invoking the power vested in the High Court under Section 482 of the Cr.P.C.:--

(i) Step one, whether the material relied upon by the accused is sound, reasonable, and indubitable, i.e., the materials is of sterling and impeccable quality?

(ii) Step two, whether the material relied upon by the accused, would rule out the assertions contained in the charges levelled against the accused, i.e., the material is sufficient to reject and overrule the factual assertions contained in the complaint, i.e., the material is such, as would persuade a reasonable person to dismiss and condemn the factual basis of the accusations as false.

(iii) Step three, whether the material relied upon by the accused, has not been refuted by the prosecution/complainant; and/or the material is such, that it cannot be justifiably refuted by the prosecution/complainant?

(iv) Step four, whether proceeding with the trial would result in an abuse of process of the court, and would not serve the ends of justice?

If the answer to all the steps is in the affirmative, judicial conscience of the High Court should persuade it to quash such criminal - proceedings, in exercise of power vested in it under Section 482 of the Cr. P.C. Such exercise of power, besides doing justice to the accused, would save precious court time, which would otherwise be wasted in holding such a trial (as well as, proceedings arising therefrom) specially when, it is clear that the same would not conclude in the conviction of the accused.”



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10. Fully fortified by the aforesaid judgment of the Hon'ble Apex Court, this Court is of the considered view that the failure of the prosecution agency to produce the forensic report along with the final report would have a definite and substantial impact on the prosecution case. Consequently, this Court finds it necessary to interfere in the matter. Accordingly, the final report, insofar as the charges against the petitioner/second accused are concerned, is quashed. and this criminal original petition stands allowed. Consequently, connected miscellaneous petitions are closed.

07.01.2026

NCC : Yes / No
Index : Yes / No
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Note: Issue order copy on 12.01.2026.



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- TO:-**
1. The Judicial Magistrate Court, Valliyoor, Tirunelveli District.
 2. The Inspector of Police,
Panagudi Police Station,
Tirunelveli District.
 3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.

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Order made in
Crl.O.P.(MD)No.225 of 2026

Dated
07.01.2026