



Crl.O.P.(MD)No.3619 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:16.06.2026

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THE HON'BLE MR.JUSTICE P.DHANABAL

Crl.O.P.(MD)No.3619 of 2023

and

Crl.M.P(MD) No.4801 of 2023

Mohammed Aazam

.. Petitioner

Vs.

1.The Inspector of Police
Kumbakonam East Police Station
Thanjavur District

2.Murugesan

.. Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the entire records pertaining to the proceedings in SC No.190 of 2022 pending on the file of the learned Principal District and Sessions Judge, Thanjavur District and quash the same as far as the petitioner is concerned.

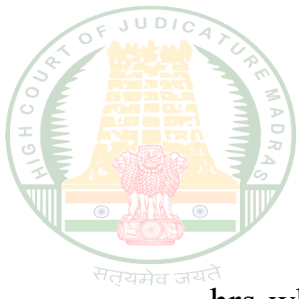
For Petitioner : Mr.G.Antoprince

For R-1 : Mr.N.Balasubrmanian

Counsel for the State of Tamil Nadu (Crl. Side)

ORDER

This Criminal Original Petition has been filed to quash the proceedings in SC No.190 of 2022 pending on the file of the learned Principal District and Sessions Judge, Thanjavur District



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2. The case of the prosecution is that on 06.03.2017 at about 23.00 hrs when the defacto complainant was attending natural call at Madathu street near popular grocery shop all the accused persons surrounded him and at that time A1 demanded money and threatened to give the entire money by saying that he is Vellapalam Vinoth and he is having so many previous cases and immediately removed the knife from his back side and threatened to give money and he has also taken Rs.250/- from the pocket of the defacto complainant and thereafter flew away from the place in a Tata Sumo car. Thereafter the second respondent/defacto complainant lodged a complaint before the first respondent and the first respondent registered a case in Crime No.88 of 2017 for the offences under Sections 392,397 of IPC and Section 26(2) of Arms Act as against Vinoth @ Vellapalam Vinoth and six others. This petitioner has been arrayed as 7th accused based on the confession given by the other accused. After the investigation the first respondent filed final report alleging that this petitioner also involved in the occurrence. Now the present petition has been filed by the petitioner to quash the proceedings.

3. The learned counsel appearing for the petitioner would submit that the petitioner was shown as 7th accused in this case and based on the



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complaint lodged by the second respondent a case has been registered in Crime No.88 of 2017 for the offences under Sections 392,397 of IPC and Section 26(2) of Arms Act and thereafter the case was investigated by the first respondent and final report has been filed. Based on the final report the trial Court has also taken cognizance and the same is pending trial. The occurrence took place on 06.03.2017 and the First Information Report has been registered immediately on the same day at about 11.45 pm., there is no specific overt act attributed as against the petitioner and the allegations against the petitioner are vague. Even as per the First Information Report the occurrence took place at about 11.00 pm., by unidentified and unknown persons. The petitioner has not participated in the occurrence and he was not even present in the scene of occurrence. The petitioner is a business man by profession and he had travelled to several countries for his business purpose and thereby he need not commit such kind of offence and there are no materials available to proceed as against the petitioner and thereby the proceedings pending before the trial court are liable to be quashed and the present petition is to be allowed.

4.The learned Government Advocate(Crl.Side) appearing for the first respondent would submit that based on the complaint lodged by the



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second respondent the first respondent registered a case in Crime No.88 of 2017 for the offences under Sections 392,397 of IPC and Section 26(2) of Arms Act and thereafter they conducted investigation and filed final report. As per the investigation there are prima facie materials available to constitute the offence and thereby filed final report and now the case is pending for trial and the petitioner has to fact the trial, thereby the petition is liable to be dismissed.

5. No representation on behalf of the second respondent.

6. Heard both sides and perused the materials available on record.

7. In this case based on the complaint lodged by the second respondent the first respondent registered a case in Crime No.88 of 2017 for the offences under Sections 392,397 of IPC and Section 26(2) of Arms Act. The petitioner is not a named accused in the First Information Report and even as per the charge sheet only based on the confession statement given by the co-accused this petitioner was arrayed as an accused and there is no specific overt act attributed as against the petitioner and all the allegation are as against 1st accused. first accused. There are no materials



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to show that this petitioner is the associate of other accused. Merely based on the assumption this petitioner has been implicated as an accused. Even as per the First Information Report and charge sheet there are no materials available to constitute the offence as against the petitioner. In this case the available materials are not sufficient to proceed the case as against the petitioner. There are no materials that the petitioner was present on date of occurrence in the scene of occurrence. No identification parade was conducted to identify the real accused. Except the confession statement of the co-accused no other materials available as against the petitioner. Merely based on the confession statement and without any material the trial court also cannot frame charge against the petitioner. Therefore without any materials the petitioner need not face the ordeal of trial. There are only bald and vague allegations and based on bald, vague and omnibus allegations the petitioner need not face the ordeal of trial and therefore the the pending proceedings as against the petitioner is liable to be quashed.

5. In view of the same, the Criminal Original Petition stands allowed and the pending proceedings in SC No.190 of 2022 pending on the file of the learned Principal District and Sessions Judge, Thanjavur



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District is hereby quashed as against this petitioner. Consequently connected miscellaneous petition stands closed.

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16.06.2026

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To

1.The Principal District and Sessions Court, Thanjavur District

2.The Inspector of Police
Kumbakonam East Police Station
Thanjavur District

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



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P.DHANABAL,J.

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