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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 10.03.2026

CORAM

**THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR**

**Crl.OP.(MD)No.5009 of 2026**

**and**

**Crl.M.P(MD)No.5358 of 2026**

Kannan

...Petitioner/Accused No.2

Vs

1. State of Tamilnadu,  
Rep. by Inspector of Police,  
Palayamkottai Police Station,  
Tirunelveli City,  
Tirunelveli District.  
Crime No.581/2025

...1<sup>st</sup> Respondent/Complainant

2. Sakthikumar

...2<sup>nd</sup> Respondent/Defacto Complainant

**PRAYER:** Criminal Original Petition is filed under Section 528 of BNSS Act, 2023, to call for the records pertaining to the crime No.581/2025 on the file of the Inspector of Police, Palayamkottai Police Station, Tirunelveli City, Tirunelveli District, and quash the same.

For Petitioner : M/s.M.Dhinakar

For Respondents : Mr.B.Thanga Aravindh  
Government Advocate(crl.side)  
for R1



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## **ORDER**

The present writ petition has been filed by the second accused in Crime No.581 of 2025, on the file of the first respondent police seeking to quash the FIR wherein the petitioner is alleged to have committed offences under Section 306 of BNS, 2023.

2. A perusal of the FIR reveals that the name of the petitioner is not found and one Arumugakani is said to have committed theft of diesel from a parked JCB on Sunday evening.

3. According to the learned Government Advocate(crl.side) appearing for the first respondent, the named accused in the F.I.R. was arrested and from his confession statement, the petitioner was arrayed as the second accused in the above said criminal case.

4. According to the learned Counsel appearing for the petitioner, the ingredients of Section 306 have not been made out and the Car involved in the said incident is completely different.



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5. The contentions raised by the learned Counsel for the petitioner are disputed facts and the same cannot be considered for quashing of FIR unless legal grounds are made out.

6. There are no merits in the petition. Accordingly, this Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petition is also closed.

**10.03.2026**

NCC : Yes/No  
Index : Yes/No  
Internet: Yes/No  
RJR

To

1. The Inspector of Police,  
Palayamkottai Police Station,  
Tirunelveli City,  
Tirunelveli District.

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



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**R.VIJAYAKUMAR, J.**

RJR

**CrI.OP.(MD)No.5009 of 2026**

**10.03.2026**