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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.03.2026

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

Crl.OP.(MD)No.5682 of 2026
and
Crl.M.P.(MD)Nos.6149 & 6150 of 2026

S.Palanimurugan

...Petitioner/Accused No.1

Vs

1. State of Tamilnadu,
Rep by the Inspector of Police,
Vilathikulam Police Station,
Thoothukudi District,
Crime No.154/2024

...1st Respondent/Complainant

2. Muniyasamy,
The Sub Inspector of Police,
Vilathikulam Police Station,
Thoothukudi District.

...2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition is filed under Section 528 of BNSS Act, to call for the records pertaining to the impugned charge sheet in CC.No.72 of 2025 on the file of the District Munsif cum Judicial Magistrate, Vilathikulam in Crime No.154 of 2024 dated 08.06.2024 on the file of the respondent No.1 registered under Sections 294(b), 353, 506(ii) of Indian Penal Code, under Section 6(a), 24(1) Cigarette and other Tobacco Products Acts, 2003 and under Section 77 of the Juvenile Justice(care and protection of children)Act, 2015 and quash the same as illegal as far as the petitioner is concerned.



For Petitioner : M/s.T.Thirumurugan

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

ORDER

The present petition has been filed by the first accused in C.C.No.72 of 2025 on the file of the learned District Munsif cum Judicial Magistrate, Vilathikulam, seeking to quash the charge sheet wherein the petitioner is charged with the offences under Section 294(b), 353, 506(ii) of IPC r/w Section 6(a), 24(1) of COTPA, 2003 and Section 77 of the Juvenile Justice(care and protection of Children) Act, 2015.

2. A perusal of the charge sheet reveals that the petitioner along with other persons were carrying the prohibited tobacco items including coollip in a pick up van and they were selling it to the minor children. When they were confronted, they are alleged to have abused the police personnel and attempted to dash the car as against the police personnel.

3. According to the learned Counsel appearing for the petitioner, it is a fabricated case and the petitioner was tortured in police custody and statements have been obtained from him.



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4. A perusal of the charge sheet clearly reveals that a prima facie case is made out as against the petitioner herein. The other factual disputes raised by the petitioner could be considered only during the trial stage and this Court cannot appreciate the evidence.

5. The trial Court is directed to dispose of the criminal proceedings on merits and in accordance with law without being influenced by anyone of the observations made by this Court. There are no merits in this petition. Accordingly, this Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petitions are also closed.

23.03.2026

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

To

1.The District Munsif cum Judicial Magistrate,
Vilathikulam.

2. The Inspector of Police,
Vilathikulam Police Station,
Thoothukudi District,

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

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R.VIJAYAKUMAR, J.

RJR

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