



Crl.O.P.(MD)No.12355 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.06.2026

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THE HON'BLE MR.JUSTICE P.DHANABAL

Crl.O.P.(MD)No.12355 of 2023

and

Crl.M.P(MD) No.9694 of 2023

S.Vijay@ Soththaikai Vijay

.. Petitioner

Vs.

**1.The Inspector of Police
Sellur Police Station,
Madurai District**

**2. Ponnuchamy
Head Constable
Sellur Police Station
Madurai District**

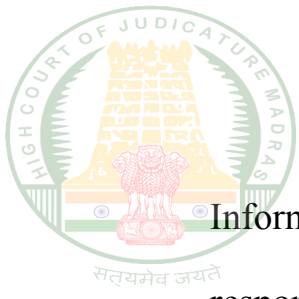
.. Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records pertaining to the First Information Report in Crime No.346 of 2022 on the file of the first respondent and quash the same as illegal as far as the petitioner is concerned.

For Petitioner : Mr.G.Antoprince
For R-1 : Mr.N.Balasubramanian
Counsel for the State of Tamil Nadu (Crl.Side)

ORDER

This Criminal Original Petition has been filed to quash the First



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Information Report in Crime No.346 of 2022 on the file of the first respondent police.

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2. The case of the prosecution is that on 01.05.2022 when the defacto complainant was on patrol duty all the accused persons uttered obscene words and caused disturbance to the public, at that time they caught the four persons namely A1 to A4 red handed but two other accused namely Gokul and Mahalingam @ Maakkan escaped from the place of occurrence. When they conducted search the accused Vijay @ Jingli Vijay, Abbas, Muthu Ayyanar@ Aji, Vijay@ Soththaikai Vijay took the knife from their back side and they told that on 30.04.2022 at about 11.00 p.m.,when they were talking near Ambedkar Colony, second street the residents of that colony chased them thereby they flew away from there, therefore a case has been registered in crime No.346 of 2022 for the offences under Sections 147,148 of IPC and Section 25(1B) (a)of Arms Act. Thereafter the first respondent conducted investigation and filed final report and the same is pending for taking cognizance. The petitioner was arrayed as fourth accused and now he has filed the present petition to quash the First Information Report.



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3. The learned counsel appearing for the petitioner would submit that the respondent police have registered a false case against the petitioner and he is a college student and doing part time job and the petitioner was 17 years old on the date of occurrence and he was juvenile. When he returned from his college he was apprehended by the police and the case has been registered. The petitioner is innocent and he was unaware about the occurrence. Even as per the First Information Report averments there are no offences made out and no weapon was recovered from this petitioner and no public had given any complaint. In order to attract the provisions under Sections 147,148 of IPC and Section 25(1B) (a) of Arms Act no materials are available as against the petitioner. Further the respondent without conducting proper investigation and without any prima facie materials filed final report and thereby the pending proceedings is nothing but a clear abuse of process of law, thereby the proceedings are liable to be quashed.

4. The learned Government Advocate (Cri.Side) appearing for the respondents would submit that the petitioner along with other accused have formed unlawful assembly with deadly weapons and committed rioting at that time the second respondent who was on patrol duty found



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the accused and arrested them with weapons, thereby there are prima facie materials available as against the petitioner and this petitioner also accompanied with other accused and thereby the charge sheet has been filed after elaborate investigation and therefore prayed to dismiss the petition.

5. In this case the defacto complainant is none other than the Head Constable of the police station and he lodged complaint as against the petitioner and others alleging that they formed unlawful assembly and had unlawful possession of deadly weapons and committed rioting with deadly weapons. A perusal of the First Information shows that there are no averments to constitute the offences under Sections 147 and 148 of IPC. No rioting has been committed and there are no materials for formation of unlawful assembly. So far as offence under Section 147 of IPC is concerned there is no force used by unlawful assembly and the petitioner did not possess of any weapons and only two persons had possession of weapons and those weapons have not been recovered from the petitioner. Moreover the petitioner is a juvenile on the date of occurrence and no any weapon has been recovered from this petitioner and only on suspicion this petitioner name has been implicated as an accused in this case. There are



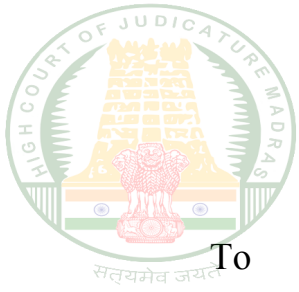
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no averments to constitute the offence under unlawful assembly and this petitioner is also a disabled person. Though the prosecution stated that after completion of investigation final report has been filed the same was not taken on file by the concerned Court and there are no materials as against the petitioner to proceed with the case further. Therefore without any materials the pending First Information Report and charge sheet as against the petitioner is nothing but clear abuse of process of law and therefore the pending proceedings are liable to be quashed.

6. In view of the same, the Criminal Original Petition stands allowed and the pending First Information Report in Crime No.346 of 2022 on the file of the first respondent police as against the petitioner is hereby quashed. Consequently connected miscellaneous petitions stand closed.

18.06.2026

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

WEB COPY

- 1.The Inspector of Police
Sellur Police Station,
Madurai District

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



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P.DHANABAL,J.

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