



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-04-2026

CORAM

THE HON'BLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP No. 8678 of 2026

AND

CRL MP Nos. 6180 & 6178 OF 2026

L. Murugan,
S/o. Loganathan,
No.149/30, Krishna Colony,
N Block, 6th Avenue, Anna Nagar East,
Chennai-600 102.

..Petitioner(s)

Vs

1. The State rep by the Inspector of Police
Avinashi Police Station,
Tiruppur District.

2. Parthiban,
District Organiser,
Advocate Wing,
DMK Tiruppur North District.

..Respondent(s)

PRAYER: This criminal original petition has been filed under Section 528 of BNSS, seeking to call for the records pertaining to the case in STC No.2235 of 2024 pending on the file of the learned Judicial Magistrate, Avinashi, including the final report (Charge Sheet No.554 of 2024) in the First Information Report in Crime No.191 of 2024 on the file of the respondent police and quash the same as against the petitioner herein.

For Petitioner(s): Mr. A.R. Sakthivel

For Respondent(s): Mr.S.Udayakumar, GA(Crl.Side) for R1



ORDER

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This criminal original petition has been filed seeking to call for the records pertaining to the proceedings in STC No.2235 of 2024 pending on the file of the learned Judicial Magistrate, Avinashi, including the final report (charge sheet No.554 of 2024) in Crime No.191 of 2024 on the file of the respondent police and quash the same as against the petitioner herein.

2.The case of the prosecution is that on 24.03.2024 at about 10 a.m., the petitioner, while contesting the Parliamentary Elections from Nilgiris Constituency, visited Arulmighu Avinashi Lingeswarar Temple at Avinashi, sporting a shawl with the party symbol “Lotus”, accompanied by several party workers, and conducted an election campaign inside the temple premises without prior permission and thus, violated election rules and also caused disturbance to the worshippers. Based on a complaint lodged by the second respondent, who, in turn, forwarded the same to the Assistant Election Officer, Avinashi, a case in Crime No.191 of 2024 was registered by the respondent Police for the offences under Sections 171C r/w.171 F IPC.

3.Learned counsel for the petitioner would submit that even considering the entire materials on record at their face value, a case for the offences under Section 171(C) r/w.171 F IPC, cannot be made out as against the petitioner.



Other than the allegation that the petitioner, along with the party workers, had gone to the temple, there is no material to attract the ingredients for the offence under Section 171(C) r/w 171 F IPC.

4. Per contra, learned Government Advocate(Crl.Side) appearing for the first respondent would submit that during the Parliamentary Election, the petitioner who was a contesting candidate, had entered into the temple along with his followers and he was adorning a shawl with the party symbol and he had caused disturbance to the other devotees/worshippers.

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

6. For the sake of convenience and ready reference, Section 171(C) IPC is worthy of reproduction:

“171(C) Undue influence at elections.

Whoever voluntarily interferes or attempts to interfere with the free exercise of any electoral right commits the offence of undue influence at an election.

1. Without prejudice to the generality of the provisions of sub-section (1), whoever
1. threatens any candidate or voter, or any person in whom a candidate or voter is interested, with injury of any kind, or
2. induces or attempts to induce a candidate or voter to believe that he



or any person in whom he is interested will become or will be rendered an object of Divine displeasure or of spiritual censure, shall be deemed to interfere with the free exercise of the electoral right of such candidate or voter, within the meaning of sub-section (1).

3. A declaration of public policy or a promise of public action, or the mere exercise or a legal right without intent to interfere with an electoral right, shall not be deemed to be interference within the meaning of this section.”

7. The case against the petitioner is that on 24.03.2024 at about 10 a.m., he entered into the Arulmighu Avinashi Lingeswarar Temple at Avinashi along with his followers and conducted an election campaign. Taking into consideration the entire materials available on record, this Court is of the view that the ingredients of the offence under Section 171 (C) are not made out as against the petitioner. In such circumstances, the further proceedings pending as against the petitioner is an abuse of process of law.

8. *Ergo*, for the aforementioned reasons, this Criminal Original Petition stands allowed and the impugned proceedings in STC.No.2235 of 2024 on the file of the Judicial Magistrate Court, Avinashi, is hereby quashed. Consequently, connected miscellaneous petitions are closed.

09-04-2026

Neutral Citation: Yes/No

DN



To

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1. Inspector of Police
Avinashi Police Station,
Tiruppur District.
2. The Public Prosecutor,
High Court of Madras
3. The Judicial Magistrate, Avinashi



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A.D.JAGADISH CHANDIRA J.

DN

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