

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.02.2021

CORAM

THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

CrI.OP.No.3019 of 2021

and

CrI.MP Nos.1693 & 1694 of 2021

Muruguan

...Petitioner/Accused

.Vs.

1.The State rep.by

The Inspector of Police,
C-2, Elephant Gate Police Station,
Flower Bazaar, Chennai.
[Crime No.218 of 2019]

2.Mr.S.Gladwin Prabhakar

...Respondents/Complainant/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in C.C.No.806 of 2019, on the file of the learned VIII Metropolitan Magistrate, George Town, Chennai and quash the same as illegal, arbitrary and against the law.

For Petitioner : Mr.S.Santhosh

For Respondents : Mr.C.Raghavan

Government Advocate
for R 1

ORDER

This Criminal Original Petition has been filed seeking to quash the proceedings in C.C.No.806 of 2019, on the file of the VIII Metropolitan Magistrate, George Town, Chennai.

2.The case of the prosecution is that the petitioner without getting any permission from the Election Officer and in violation of the election notification, indulged in planting the flag of a political party in two places and hence has committed an offence under Section 4A (1b) of Tamil Nadu Open Places (Prevention of Disfigurement) Act, 1959.

3.Heard Mr.S.Santhosh, learned counsel for the petitioner and Mr.C.Raghavan, learned Government Advocate appearing on behalf of the 1st respondent.

4.In the considered view of this Court, except for the allegations found in the complaint, there are absolutely no materials to substantiate the charge against the petitioner. Admittedly, the petitioner belonged to the opposition party and there was a political motive. It is a very common sight in this State, where the political parties indulge in a fixing posters and planting flag poles during elections. Unfortunately, the petitioner has been picked and chosen and an FIR has been registered against him.

5.In the considered view of this Court, no case has been made out as against the petitioner and no useful purpose will be served by keeping the proceedings pending, considering the fact that the offence involved is a very minor offence.

6.In the result, the proceedings in C.C.No.806 of 2019, on the file of the VIII Metropolitan Magistrate, George Town, Chennai, is hereby quashed and this criminal original petition is allowed. Consequently, the connected miscellaneous petitions are closed.

s/d-

Assistant Registrar(CS VI)

True Copy

Sub-Assistant Registrar

KP

To

1.The Inspector of Police,
C-2, Elephant Gate Police Station,
Flower Bazaar, Chennai.

2.VIII Metropolitan Magistrate,
George Town, Chennai.

3.The Public Prosecutor,
High Court, Madras.

+2cc to M/s.S.Santhosh, Advocate, SR.No.10449

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AK I(CO)
KKV/10/03/2021