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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.11.2021

CORAM :

THE HONOURABLE MR. JUSTICE N.SATHISH KUMAR

CrI. O.P. No. 14034 of 2017
and
CrI. M.P. No. 8979 of 2017

K.Thangarathinam

... Petitioner

Vs.

The State rep. by
Inspector of Police,
Muthandikuppam Police Station,
Cuddalore District.
Crime No.32 of 2017

... Respondent

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in S.T.C. No.294 of 2017 on the file of the Judicial Magistrate No:1 at Panrutti, Cuddalore District and quash the charge sheet filed so far as against the petitioner.

For Petitioner : Mr.MA.P.Thangavel

For Respondent : Mr. S.Vinoth Kumar
Government Advocate (CrI.Side)

O R D E R

This petition is filed to quash the entire records in S.T.C. No.294 of 2017, on the file of the Judicial Magistrate No.1, Panrutti, Cuddalore District.

2. It is the case of the prosecution that while the Sub-Inspector of Police was in regular patrol, he found that the accused have erected a hoarding and cutout of a political party. It is contended by the learned counsel for the petitioner that a complaint was lodged by the Sub-Inspector of Police and charge sheet laid. Further the contention of the petitioner is that the entire evidence collected by the prosecution do not constitute the offence and continuing the prosecution is nothing but abuse



of process of law. Hence, he prays to quash the entire records in S.T.C. No.294 of 2017, on the file of the Judicial Magistrate No.1, Panrutti, Cuddalore District.

3. Learned counsel appearing for the Public Prosecutor for the respondent, submitted that in this case final report has been filed and the question to quash the proceedings need not arise.

4. This Court, while exercising its power under Section 482 Cr.P.C., Court cannot make roving enquiry. However, when entire allegations made in FIR and the evidence collected by the Investigation Officer in support of the charge do not lead to substantiation of the charges, the Court can interfere with this. The allegations with regard to erecting the cutout, as alleged in the FIR and the statement recorded from two other constables, are general in nature. There is no specific overt act in respect of placement of hoardings or cutout available on record and no one from the public side was examined to show that such an act caused nuisance to the general public.

5. In the absence of any evidence or materials collected in this regard, continuing the prosecution is nothing but a futile exercise. The allegations or materials collected by the prosecution do not support the charge nor disclose the commission of any offence. Accordingly, this Criminal Original Petition is allowed and the proceedings in S.T.C. No.294 of 2017, on the file of the Judicial Magistrate No.1, Panrutti, Cuddalore District, is hereby quashed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

bkn

To

1.The Judicial Magistrate No.1,
Panrutti,
Cuddalore District.

2.The Inspector of Police,
Muthandikuppam Police Station,
Cuddalore District.



3.The Public Prosecutor,
High Court of Madras,
Madras.

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+1cc to M/s.MA.P.Thangavel, Advocate SR. No.57958

Crl.O.P.No.14034 of 2017

KG (CO)
PR (06/12/2021)