



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P.(MD)No.17981 of 2021

Sathish @ Sathish Kumar ... Petitioner /Accused No.4

vs.

1.The Inspector of Police,
Devipattinam Police Station,
Ramanathapuram District.
(Crime No.371 of 2016) ... 1st Respondent/Complainant

2. Manikandan
Inspector of Police,
Devipattinam Police Station,
Ramanathapuram District. ... 2nd Respondent/defacto Complainant

PRAYER : Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records pertaining to FIR in Crime No.371 of 2016 dated 27.08.2016 on the file of the first respondent herein and quash the same as far as the petitioner is concern.

For Petitioner : Mr.C.Senthil Murugan
For R1 : Mr.T.Senthil Kumar
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed for quashing the impugned FIR in Crime No.371 of 2016 registered on the file of the first respondent for the offence under Section 4 A (1a) of Tamil Nadu Open Places (Prevention of Disfigurement) Act, 1959.

2. The case of the prosecution is that the petitioner along with others had pasted wall posters on the walls in the north street of Therbogi Village. The posters had been pasted on the occasion of Krishna Jayanthi. Based on the complaint of the Inspector of Police, Devipattinam Police Station, FIR came to be registered. To quash the same, this criminal original petition has been filed.

3. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondents.

4. It is seen that the offence in question is punishable with imprisonment upto six months simple imprisonment. Therefore, the final report should have been filed within one year as contemplated



by Section 468 of Cr.P.C. FIR was registered way back on 27.08.2016. More than five years have elapsed. Till date, final report has not been filed. Explanation is also not forthcoming. It is also seen that the posters were pasted on the walls of the houses belonging to private individuals. Those individuals have not lodged any complaint.

5. In these circumstances, keeping the prosecution alive will only amount to abuse of legal process. For these reasons, namely, non filing of the final report within the stipulated time, inability to offer any explanation for the delay and the fact that the affected persons have not lodged any complaint, the impugned FIR is quashed. This Criminal Original Petition is allowed.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

rmi

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Inspector of Police,
Devipattinam Police Station,
Ramanathapuram District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

CrI.O.P. (MD)No.17981 of 2021
18.11.2021

DKS (CO)
KB(30.11.2021) 2P 3C