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Crl. O.P. No. 9906 of 2022

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

Dated: 5/7/2022

**C O R A M**

**THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR**

**Crl. O.P. No.9906 of 2022**

**a n d**

**Crl.M.P.No.5831 of 2022**

1. Hakkim

2. Mohamed Munaf

...

Petitioners

**Vs**

State

rep. By The Inspector of Police

B 14 Kuniyamuthur Police Station

Coimbatore.

...

Respondent

**PRAYER :** Criminal Original Petitions filed under Section 482 of Cr.P.C. to call for the records of the proceedings in S.T.C.No.9 of 2018 pending on the file of the Judicial Magistrate, Additional Mahila Court, Coimbatore and quash the same.

For Petitioner

...

Mr.I.Abdul Basith

For Respondents

...

Mr.Leonard Arul Joseph Selvam

Government Advocate

(Criminal Side)

for R.1

**ORDER**

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This Criminal Original Petition has been filed to quash S.T.C.No.9 of 2018, pending on the file of the learned Judicial Magistrate, Additional Mahila Court, Coimbatore, for the offences punishable under Section 4 of the Tamil Nadu Open Places (Prevention of Disfigurement) Act, 1959.

2. The case of the prosecution is that on 19/2/2014, when the respondent along with his Police parties were on patrol duty, near Karumbukadai Toll gate junction, the petitioners without prior permission pasted a poster with the content demanding the State Government seeking immediate action and judicial inquiry against the Police personnel for carrying a planned attack on the Muslims, who were participated in a rally organised by the Popular Front of India, after obtaining prior permission.

3. Heard Mr.I.Abdul Basith, learned counsel for the petitioners and Mr.Leonard Arul Joseph Selvam, learned Government Advocate (Criminal Side) for the respondent.

4. The learned counsel appearing for the petitioners submitted that this



case has been foisted falsely against the petitioners and there is no materials available on record to constitute an offence.

5. I have perused the entire materials available on record. When the final report and materials collected by the prosecution do not constitute an offence, there is no purpose in continuing the prosecution and it is only a mere waste of time and abuse of process of law. Except contending that two persons have pasted the poster, no other allegations or statements were available on record to show that where the posters have been affixed. With regard to identity of the persons, names of the petitioners were came to known later and no witnesses have been examined by the prosecution.

6. The prosecution has examined five witnesses, of which two are mahazar witness and the remaining witnesses have not spoken anything about the place where the advertisement was pasted. The very object of the provisions of the Tamil Nadu Open Places (Prevention of Disfigurement) Act, 1959, is to prevent disfigurement by objectionable or unauthorised advertisement in places open to public view and to prevent pasting of posters in such places. Since, no



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**N. SATHISH KUMAR, J**

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mvs.  
statement of the independent witnesses were recorded, continuation of the prosecution against these petitioners will amount to abuse of process of law and the same will serve no purpose.

7. Accordingly, this Criminal Original Petition is allowed and the proceedings in S.T.C.No.9 of 2018, pending on the file of the Judicial Magistrate, Additional Mahila Court, Coimbatore, against the petitioners/A.1 and 2 alone are quashed. Consequently, the connected Criminal Miscellaneous Petition is closed.

**5/7/2022**

Index : Yes / No  
Internet: Yes  
Speaking/non speaking order

mvs.

To

1. The Judicial Magistrate, Additional Mahila Court, Coimbatore
2. The Inspector of Police, B 14 Kuniyamuthur Police Station, Coimbatore.
3. The Public Prosecutor, High Court, Madras.

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