

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

CRL.O.P.NO.13099 OF 2022

AND

CRL.M.P.NO.7025 OF 2022

K.Murugnantham

... Petitioner

.Vs.

The State represented by,
The Sub-Inspector of Police,
Virudhachalam Police Station,
Cuddalore District.
(Crime No.131 of 2019)

... Respondent

PRAYER:-

Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to the First Information Report in Crime No.131 of 2019 pending on the file of respondent police and quash the same.

For Petitioner : Mr.A.Suresh Sakthi Murugan

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate
(Criminal Side)

O R D E R

This Criminal Original Petition has been filed to quash the First Information Report in Crime No.131 of 2019 registered for the offence under Section 3 of Tamil Nadu Open Places (Prevention of Disfigurement) Act,1959, pending on the file of the respondent police.

2. The case of the prosecution is that on 22.03.2019, the Sub Inspector of Police attached with the respondent Police

Station, while on patrol, along with the police party had seen a poster pasted on the public wall at Palakkarai Bus Stop, Virudhachalam regarding the Pollachi sexual harassment against women issue. On enquiry it was found that the petitioner, who is the Virudhachalam Co-ordinator of the Makkal Athikaram Organisation along with some other persons, pasted the said poster on the wall. Hence the respondent police suo motu registered the First Information Report on 22.03.2019 against the petitioner and A1.

3. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) appearing for the respondent.

4. The allegation in the FIR indicate that some poster against the Pollachi sexual harassment against women issue was affixed on the public wall of the Government Boys Higher Secondary School. It is not the case of the prosecution that the petitioner has posted such poster on the wall of the Palakkarai Bus Stop, Virudhachalam only the name of one Association was found in the poster. Even as per the entire allegation made in the FIR on the face value the same do not constitute an offence to attract Section 3 of Tamil Nadu Open Places (Prevention of Disfigurement) Act, 1959. In the absence of specific allegations against the petitioner as to affixing such poster, merely on the basis of some reference in the poster, one cannot be prosecuted.

5. In such view of the matter this Court is of the view that continuing the proceedings is only a futile exercise and will not serve any purpose. Accordingly the FIR in Crime No.131 of 2019 pending on the file of the respondent police is quashed and the Criminal Original Petition is allowed. Consequently, the connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

nr/ham

To

1. The Sub-Inspector of Police,
Virudhachalam Police Station,
Cuddalore District.
2. The Public Prosecutor
High Court, Madras.

+1cc to Mr.A.Suresh Sakthi Murugan, Advocate, S.R.No.33669

CRL.O.P.NO.13099 OF 2022 AND
CRL.M.P.NO.7025 OF 2022

SKM(CO)
PBS/11/07/2022