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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

CRL.O.P.NO.13127 OF 2022

AND

CRL.M.P.NO.7055 OF 2022

K.Murugnantham

... Petitioner

Vs.

State rep.by
The Sub Inspector of Police
Virudhachalam Police Station
Cuddalore District.
Crime No.829/2017

... Respondent

Prayer :- Criminal Original Petition filed under Section 482 of Cr.P.C. praying to call for the records pertaining to the First Information Report in Crime No.829 of 2017 pending on the file of the respondent police and quash the same.

For Petitioner	:	M/s.A.Suresh Sakthi Murugan
For Respondent	:	Mr.Leonard Arul Joseph Selvam Government Advocate (Crl.side)

O R D E R

The Criminal Original Petition has been filed to call for the records pertaining to the First Information Report in Crime No.829 of 2017 pending on the file of the respondent police and quash the same.

2. The case of the prosecution is that on 28.11.2017, the Sub Inspector of Police attached with the respondent Police Station, along with the police party while on patrol had seen a poster pasted on the wall of the Government Boys Higher Secondary School at Virudhachalam condemning the police action or denying the permission to a public meeting organised by Makkal Athikaram Organistion. On enquiry it was found that the petitioner, who is the Virudhachalam Co-ordinator of the said 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 28.11.2017 against the petitioners.

3. Heard both sides.

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4. The allegation in the FIR indicate that some poster against the respondent police expressing the petitioner's right to conduct meeting was affixed on the 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 Government Boys Higher Secondary School, 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 4A(1a), 4B 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.829 of 2017 pending on the file of the respondent police is quashed and the Criminal Original Petition is allowed. Consequently connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

dpq

To

1. The Sub Inspector of Police
Virudhachalam Police Station
Cuddalore District.
Crime No.829/2017.
2. The Public Prosecutor,
High Court of Madras, Chennai.

+1cc to M/s.A.Suresh Sakthi Murugan, Advocate, S.R.No.33671

CRL.O.P.No.13127 of 2022
and Crl.M.P.No.7055 of 2022

RK(CO)
RLP(30/06/2022)