



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.05.2022

CORAM

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.O.P.No.12237 of 2022

and

Crl.M.P.Nos.6848 & 6850 of 2022

Lucas

...Petitioner/Accused

Vs.

The Inspector of Police,
N3, Muthalaipet Police Station,
Chennai - 600 001.

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, 1973 to call for the records and quash the C.C.No. 769 of 2021 on the file of 16th Metropolitan Magistrate Court, George Town.

For Petitioner : Mr.S.Santosh

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

O R D E R

This Criminal Original Petition is filed challenging the police report filed in C.C.No.769 of 2021, registered for the offences under Section 4A (1a) read with 4B of the Tamil Nadu Open Places (Prevention of Disfigurement) Act, 1959.

2. The allegation is that while the respondent was in patrolling duty on 16.03.2019 at 16:30 hrs, at the time of passing through the Srinivasan Street, observed a wall poster pasted without any permission or licence and which is shattering the beauty of Chennai city, pasted on a residential house situated at No.6/1, Srinivasan Street. The respondent police registered an FIR on 16.03.2019 in Crime No.116 of 2019 on the file of N3, Muthalaipet Police Station for the commission of offences under Section 4A (1a) read with 4B of the Tamil Nadu



Open Places (Prevention of Disfigurement) Act, 1959. Thereafter, on 17.03.2021, after a delay of two years, the respondent police have filed final report in C.C.No.769 of 2021 before the 16th Metropolitan Magistrate Court, George Town. This Court already has laid down in the Judgment in "Pavayi Vs. The State represented by the Sub Inspector of Police, Thiruchengode Town Police Station and another" (Crl.O.P.No.20346 of 2019 dated 30.07.2019) has held that in respect of such cases, prior permission under Section 155 of Cr.P.C., from the learned Magistrate is mandatory and proceedings to the contrary are liable to be quashed. In the instant case also criminal proceedings is being continued without obtaining any such prior permission. Mr.Leonard Arul Joseph Selvam, Government Advocate (Crl. Side), is unable to give any valid answer in respect of the said contention on behalf of the petitioners.

3. In that view of the matter, the continuation of criminal proceedings in C.C.No.769 of 2021 would amount to abuse of process of law. Therefore, C.C.No.769 of 2021, on the file of the learned 16th Metropolitan Magistrate Court, George Town stands quashed. Accordingly, this Criminal Original Petition is allowed. Consequently, connected Criminal Miscellaneous Petitions are closed.

Sd/-

Vacation Officer

//True Copy//

Sub Assistant Registrar

ab/mkn

To

1.The 16th Metropolitan Magistrate Court,
George Town.

2.The Inspector of Police,
N3, Muthalaipet Police Station,
Chennai - 600 001.

3.The Public Prosecutor,
Madras High Court.

Crl.O.P.No.12237 of 2022

RSI (CO)
PR (03/06/2022)