



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.02.2022

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P(MD)No.2213 of 2022

and

Crl.M.P(MD)No.1627 of 2022

Prabin. ... Petitioner/2nd Accused
(*Wrongly mentioned as Pravin in the FIR)

Vs.

1.State represented by
The Inspector of Police,
Arumanai Police Station,
Kanyakumari District.
(Crime No.448 of 2020) ... Respondent/Complainant

2.Ramesh,
The Sub-Inspector,
Arumanai Police Station,
Kanyakumari District. ... Respondent/Defacto Complainant

Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records in connection with Crime No.448 of 2020 on the file of the first respondent police and quash the FIR insofar as the petitioner is concerned.

For Petitioner : Mr.S.Vijayakumar
For R1 and R2 : Mr.M.Veeranthiran
Govt. Advocate

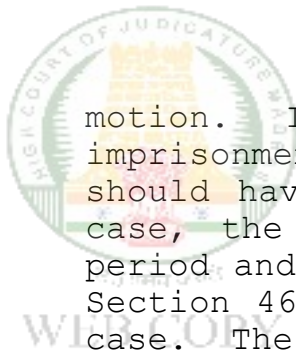
O R D E R

Heard the learned Counsel for the petitioner and the learned Government Advocate appearing for the respondents 2 and 3.

2.The petitioner is figuring as an accused in Crime No.448 of 2020 registered on the file of Arumanai Police Station for the offence under Section 4(1) Tamil Nadu Open Places (Prevention of Disfigurement) Act, 1959.

3.The case of the prosecution is that the accused had pasted posters and thereby committed the offence in question.

4.As rightly pointed out by the learned Counsel for the petitioner, the owner of the wall, on which posters were pasted had not lodged any complaint. It is only the police who have *suo-motu* registered the FIR. When the aggrieved person has not questioned the act of the accused, the police need not set the criminal law in



motion. In any event, the offence in question is punishable with imprisonment for a period of 3 months. Therefore, final report should have been filed within a period of one year. But in this case, the final report has not been filed within the limitation period and no explanation is forthcoming for the delay. Therefore, Section 468 of Criminal Procedure Code can also be invoked in this case. The impugned FIR is quashed.

5. With the above direction, this Criminal Original Petition is allowed. The benefit of this order will enure in favour of the non-petitioning accused also. Consequently, the connected Miscellaneous Petition is also closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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,
Arumanai Police Station,
Kanyakumari District.
2. The Sub-Inspector,
Arumanai Police Station,
Kanyakumari District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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RS (26.02.2022) 2P 4C