



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.04.2022

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P(MD)No.7426 of 2022

V.Arumuga Kani

... Petitioner/Accused No.2

Vs.

1.The State rep.by

The Inspector of Police,
Thalaisyuthu Police Station,
Tirunelveli District.

(Cr.No.207 of 2018) ... 1st Respondent/Complainant

2.Mr.Venkatachalam

...2nd Respondent/Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the records pertaining to the Crime No.207 of 2018 on the file of the first respondent police and quash the same insofar as the petitioner is concerned.

For Petitioners : Mr.R.J.Karthick
For Respondents : Mr.R.M.Anbunithi
Additional Public Prosecutor
(Crl. Side)
for R1

ORDER

The Criminal Original Petition has been filed to quash the FIR in Crime No.207 of 2018 on the file of the first respondent police insofar as the petitioner is concerned.

2.The case of the prosecution is that on 21.06.2018 when the respondent police was at patrol rounds, found that the petitioner with his party members fixed a Arch and Banner displaying the Welcome Address of Political Leader without prior permission from the police. The offence under Section 4(1) of Tamil Nadu Open Places (Prevention of Disfigurement) Act, 1959, is punishable with imprisonment for the term which may extend to one year, or with fine which may extend to five thousand rupees, or with both. Therefore,



the final report ought to have been filed within one year whereas the crime was registered in the year 2018 and so far the first respondent has not filed any final report. That apart the except mere allegation that the petitioner and others were fixed Arch and Banner displaying the welcome address of the political leader, no other material to show that they erected and displayed for the welcome address of their leader.

3. In view of the above, the FIR in Crime No.207 of 2018 is nothing but clear abuse of process of law and it cannot be sustained as against the petitioner. Hence, this Criminal Original Petition is allowed and the FIR in Crime No.207 of 2018 on the file of the first respondent police, is hereby quashed.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

vsd

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,
Thalaiyuthu Police Station,
Tirunelveli District.

Copy to:

The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P(MD)No.7426 of 2022
22.04.2022

MGJ(25.05.2022) 2P 3C