



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.04.2022

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

CrI.O.P(MD)No.7493 of 2022

1.Praveen @ Ram Praveen  
2.Pradesh @ Raj Pradesh  
3.Pandi  
4.Aravind @ Aravindan ... Petitioners/Accused Nos.1 to 4

Vs.

1.The State through  
The Inspector of Police,  
Othakadai Police Station,  
Madurai District.  
Cr.No.1762 of 2017 ... 1<sup>st</sup> Respondent/Complainant

2.Jansi Rani ... 2<sup>nd</sup> Respondent/  
Defacto Complainant

**Prayer:** Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the entire records to the impugned proceedings of the charge sheet in S.T.C.No.39 of 2021 on the file of the Judicial Magistrate, Melur and quash the same as illegal.

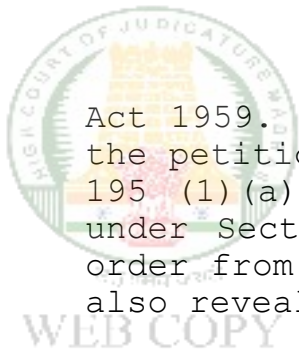
For Petitioners : Mr.R.Aravind Raj  
For Respondents : Mr.R.M.Anbunithi  
Additional Public Prosecutor  
(CrI. Side)  
for R1

**ORDER**

The Criminal Original Petition has been filed to quash the proceedings in S.T.C.No.39 of 2021 on the file of the learned Judicial Magistrate, Melur.

2.The case of the prosecution is that on 29.10.2020 the petitioners had erected Thever and Nethaji Flex Board without permission obtained from the first respondent.

3.On perusal of records revealed that on receipt of the complaint from the second respondent, the first respondent registered the FIR in Cr.No.1762 of 2021 for the offence under Section 4(1) of Tamilnadu Open Places (Prevention of Disfigurement)



Act 1959. Except the allegation, there is no material to show that the petitioners have erected the flex board. Further as per Section 195 (1) (a) of Cr.P.C., no Court can take cognizance of an offence under Section 188 of IPC. Unless, the public servant has written order from the authority. That apart, on perusal of 161(3) Cr.P.C., also revealed that there is no material to accused the petitioner .

4.In view of the above, the entire proceedings in S.T.C.No.39 of 2021 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 proceedings in S.T.C.No.39 of 2021 on the file of the learned Judicial Magistrate, Melur, is hereby quashed.

Sd/-

Assistant Registrar (CS II)

// 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,  
Othakadai Police Station,  
Madurai District.

Copy to:

- 1.The Judicial Magistrate, Melur,  
Madurai.
- 2.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

Crl.O.P (MD)No.7493 of 2022  
22.04.2022

MGJ(17.05.2022) 2P 4C