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CrI.O.P.No.18449 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.08.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CrI.O.P.No.18449 of 2023

and

CrI.M.P.Nos.12288 & 12290 of 2023

V.Ramu

S/o.Varadarajulu Naidu

... Petitioner

Vs.

1.State represented by
Inspector of Police,
Gudiyatham Town Police Station,
Vellore District.

2.Mohammed Aslam

... Respondents

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records in S.T.C.No.17 of 2021 on the file of Judicial Magistrate Court, Gudiyatham, which was subsequently transferred to the file of Special Magistrate Court, Gudiyatham and quash the same.

For Petitioner : Mr.C.Iyyapparaj

For Respondents : Mr.A.Gopinath
Government Advocate [CrI.side] [R1]



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ORDER

WEB COPY This Criminal Original Petition has been filed seeking to quash the proceedings in S.T.C.No.17 of 2021 on the file of Judicial Magistrate Court, Gudiyatham, which was subsequently transferred to the file of Special Magistrate Court, Gudiyatham.

2. Heard Mr.C.Iyyapparaj, learned counsel for petitioner and Mr.A.Gopinath, learned Government Advocate [Crl.side] appearing for first respondent.

3. The case against the petitioner is that when the election code of conduct was in force, the petitioner is said to have drawn the two leaves symbol in the wall. Based on the complaint given by the flying squad, a First Information Report came to be registered for offence u/s.4A(1a) of the Tamil Nadu Open Places (Prevention of Disfigurement) Act, 1959.

4. Taking into consideration the facts and circumstances of the case and also the fact that the incident had taken place during the election time and no serious allegations are involved, this Court is inclined to bring this case within the scope of Section 95 IPC. The continuation of



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proceedings against the petitioner is not required at this stage.

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In the light of the above discussion, this Criminal Original Petition is allowed and the proceedings in S.T.C.No.17 of 2021 on the file of Judicial Magistrate Court, Gudiyatham, which was subsequently transferred to the file of Special Magistrate Court, Gudiyatham, is hereby quashed. Consequently, connected miscellaneous petitions are closed.

18.08.2023

Speaking Order/Non-speaking Order

Index :Yes/No

Neutral citation: Yes/No

gm

To

- 1.The Special Magistrate Court,
Gudiyatham.
- 2.The Inspector of Police,
Gudiyatham Town Police Station,
Vellore District.
- 3.The Public Prosecutor,
Madras High Court.

N.ANAND VENKATESH, J



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