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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 27/03/2023

CORAM:

THE HON'BLE MR JUSTICE G.ILANGOVAN

Crl.OP(MD)No.2333 of 2023

Vasudevan : Petitioner/Sole Accused

Vs.

1.State through its
Inspector of Police,
Kamuthi Police Station,
Ramanathapuram District.
(Crime No.589 of 2020)

: R1/Complainant

2.Arul Dass

: R2/De-facto Complainant

Prayer: Criminal Original Petition has been filed under section 482 of the Criminal Procedure Code, to call for the entire records to the impugned proceedings of the charge sheet in STC No.684 of 2022 on the file of the Judicial Magistrate, Kamuthi and quash the same as illegal and pass such other orders.

For Petitioner : Mr.R.Aravind Raj

For Respondents : Mr.S.Manikandan
Government Advocate
(Criminal side)

**ORDER**

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This criminal original petition is filed seeking quashment of the case in STC No.684 of 2022 on the file of the Judicial Magistrate, Kamuthi.

2.The case of the prosecution in brief:-

On 05/11/2020 at about 10.00 pm, in the night, when the police team on their routine patrolling duty in front of Vellammal Marriage Hall, on the Kamuthi-Parthipabur Road, the accused namely Vasudevan put up a banner welcoming the political people for his family marriage function without proper permission from the authorities concerned. Based upon the above said occurrence, FIR was registered for the offences under sections 4A(1a) of the Tamil Nadu Open Places (Prevention of Disfigurement) Act, 1959. After completing the investigation, final report was filed, on 01/03/2022 before the trial court, it was taken cognizance in STC No.684 of 2022.

3.Challenging the above said final report, this petition has been filed seeking quashment on the ground that it is barred by limitation.



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4. Heard both sides.

5. A report was called from the District Munsif-cum-Judicial Magistrate, Kamuthi, as to the date of presentation of the final report, wherein, it has been stated that the date of occurrence was, on 05/11/2020 and the final report was filed, on 01/03/2022. On the date itself, it was taken cognizance.

6. Section 4(A) (1a) of the Act, reads as follows:-

"4-A. Prohibition of pasting of posters and fixing of thatty boards, etc.- (1) Notwithstanding anything contained in sections, 3, 3-A or 4 or any other provision of this Act, or in any law for the time being in force, no person shall, in any local area.-

(a) affix to, or inscribe or exhibit on, any place open to public view, any poster or any effigy, or any bill, notice, document, paper or other



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thing containing any words, signs or visible representations; or

(b)

7. Reading of this provision makes the position clear to the effect that pasting of posters without proper permission is punishable under section 4(B) of the Act.

8. Section 4(B) of the Act reads as under:-

"4-B. Penalty:-Whoever contravenes the provision of section 4-A shall be punished with imprisonment of either description, for a term which may extend one year, or with fine which may extend to five thousand rupees, or with both."

9. Reading of this provision shows that for violation of section 4-A of the Act, punishment prescribed is one year or with fine, which may extend to Rs.5,000/- or with both.



10.As mentioned earlier, maximum period of punishment is prescribed one year. As per section 468 Cr.P.C., final report ought to have been filed within a period of limitation. But, it has been presented much after the period of limitation. On that sole ground, this petition is liable to allowed and taking cognizance of the offence by the trial court itself is not legal.

11.In the result, this criminal original petition is **allowed**. The case in STC No.684 of 2022 on the file of the Judicial Magistrate, Kamuthi is hereby quashed as against the petitioner.

27/03/2023

Index:Yes/No
Internet:Yes/No
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To,

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- 1.The Judicial Magistrate,
Kamuthi,
Ramanathapuram District.
- 2.The Inspector of Police,
Kamuthi Police Station,
Ramanathapuram District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G. ILANGO VAN, J

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Cr1.OP(MD)No.2333 of 2023

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