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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 16/03/2023

CORAM:

**THE HON'BLE MR JUSTICE G.ILANGOVAN**

Cr1.OP(MD)No.4725 of 2023

and

Cr1.MP(MD)No.4156 of 2023

Vinothkumar : Petitioner/A3

Vs.

1.State rep. by

The Sub Inspector of Police,  
Paramakudi Town Police Station,  
Ramanathapuram District.

(Crime No.229 of 2018) : R1/Complainant

2.R.Senthilkumar,

Village Administrative Officer,  
No.19, Kattuparamakudi Group,  
Paramakudi,

Ramanathapuram district. : R2/De-facto Complainant

**Prayer:**Criminal Original Petition has been filed under section 482 of the Criminal Procedure Code, to call for the records in connection with the charge in STC No. 2302 of 2019 on the file of the Judicial Magistrate, Paramakudi and quash the same in so far as the petitioner is concerned and pass such further or other orders.



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

**O R D E R**

This criminal original petition is filed seeking quashment of the case in STC No.2302 of 2019 on the file of the Judicial Magistrate, Paramakudi.

**2.The case of the prosecution in brief:-**

The de-facto complainant was working as Village Administrative Officer and they were making inspection in the village regarding the put up of flex board without permission. On 10/09/2018 at 08.00 pm, the accused persons without proper permission put up the flex board measuring 10 x 10 in the public place. Over the above said occurrence, a case in Crime No.299 of 2018 was registered for the offence under section 4(1) of the Tamil Nadu Open Places (Prevention of Disfigurement) Act, 1959. After that, final report was filed and taken cognizance in STC No.2302 of 2019 by the Judicial Magistrate, Paramakudi.



3. Seeking quashment of the same, this petition has been filed that the allegations mentioned in the final report are not attracting; the offence said to have been taken place, on 10/09/2018, but the final report was filed, on 31/07/2019.

4. Heard both sides.

5. Even though the final report was filed within the period limitation, perusal of records shows that the above said flex board was not recovered and no witness was also examined to show the recovery. Even if we take that the above said offence has been committed by the accused persons, in the absence of recovery of flex board, even if the trial is ordered to be undertaken, there is no chance for conviction.

6. More-over, another important factor is that the place in which the above said flex board was put up is neither mentioned in the complaint nor in the final report. No material has been collected during the course of investigation to show the place of occurrence. On that ground also, this petition is liable to allowed.



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7. In the result, this criminal original petition stands **allowed**. The case in STC No.2302 of 2019 on the file of the Judicial Magistrate, Paramakudi, is hereby quashed as against the petitioner. Consequently, connected Miscellaneous Petition is closed.

16/03/2023

Index:Yes/No  
Internet:Yes/No  
tta/er

To,

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



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**G.ILANGOVAN, J**

**tta/er**

Cr1.OP(MD)No.4725 of 2023

**16/03/2023**