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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 24/04/2023

CORAM:

THE HON'BLE MR JUSTICE G.ILANGO VAN

Cr1.OP(MD)No.7510 of 2023

and

Cr1.MP(MD)Nos.6550 and 6552 of 2023

John Bright : Petitioner/Sole Accused

Vs.

1.Inspector of Police,
Marthandam Police Station,
Marthandam,
Kanyakumari District. : R1/Complainant

2.Sathasivam,
Sub Inspector of Police,
Marthandam Police Station,
Marthandam,
Kanyakumari 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 STC No.522 of 2019 pending before the Judicial Magistrate No.1, Kulithurai, Kanyakumari District.

For Petitioner : Mr.G.Cenil

For Respondents : Mr.B.Nambiselvan
Additional Public Prosecutor

**ORDER**

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This criminal original petition is filed seeking quashment of the case in STC No.522 of 2019 on the file of the Judicial Magistrate No.1, Kulithurai, Kanyakumari District.

2.The case of the prosecution in brief:-

The de-facto complainant lodged a complaint stating that on 24/04/2016, the police team were on their routine patrolling duty, on the eve of the assembly election, at about 03.00 pm, they found the accused without prior permission making arrangement to take out the procession for canvassing in support of the candidate of Vilavancode constituency. Upon which, a case in Crime No.293 of 2016 was registered for the offence under section 4 of the Tamil Nadu Open Places (Prevention of Disfigurement) Act, 1959. After that, final report was filed and it was taken cognizance in STC No.522 of 2019 by the Judicial Magistrate No.1, Kulithurai.

3. Seeking quashment of the same, this petition has been filed by the petitioner.

4. Heard both sides.



5.The offence said to have been taken place, on 24/04/2016 at about 03.00 pm, but the final report was filed only, on 18/02/2019 before the trial court.

6.As per section 4 of the Tamil Nadu Open Places (Prevention of Disfigurement) Act, 1959, the maximum sentence prescribed is one year or fine or with both.

7.As per section 468 Cr.P.C., the above said final report ought to have been filed within the period of limitation. But here, after the period of limitation, the final report has been filed. So, taking cognizance of the case itself is bad under law. On that sole ground, the criminal proceedings against the petitioner is liable to be quashed.

8.In the result, this criminal original petition stands **allowed**. The case in STC No.522 of 2019 on the file of the Judicial Magistrate No.1, Kulithurai, Kanyakumari District, is hereby quashed against the petitioner. Consequently, connected Miscellaneous Petitions are closed.

24/04/2023

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

- 1.The Judicial Magistrate No.I,
Kulithurai,
Kanyakumari District.
- 2.The Inspector of Police,
Marthandam Police Station,
Marthandam,
Kanyakumari 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.7510 of 2023

24/04/2023