



Crl.O.P.(MD)No.20503 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 15/11/2023

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CORAM:

THE HON'BLE MR JUSTICE G.ILANGOVAN

Crl.OP(MD)No.20503 of 2022

and

Crl.MP(MD)Nos.14219 and 14220 of 2022

Kalaivanan : Petitioner/Accused(Sole)

Vs.

1.The State rep. by
The Inspector of Police,
Paramakudi Town Police Station,
Ramanathapuram District.
(Crime No.289 of 2019) : R1/Complainant

2.Kanana : 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 pertaining to the proceedings in STC No.761 of 2020 pending on the file of the Judicial Magistrate, Paramakudi, Ramanathapuram District and quash the same as far as the petitioner is concerned and pass such any or other orders.

For Petitioner : Mr.R.L.Dhilipan Pandian

For 1st Respondent : Mr.M.Sakthi Kumar
Government Advocate
(Criminal side)

For 2nd Respondent : No appearance



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O R D E R

WEB COPY This criminal original petition is filed seeking quashment of the case in STC No.761 of 2020 on the file of the Judicial Magistrate, Paramakudi, Ramanathapuram District.

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 boards, without permission. On 10/09/2019 at 01.30 pm, the accused person without proper permission put up the flex board in the public place. Over the above said occurrence, a case in Crime No.289 of 2019 was registered for the offences under sections 188 IPC and section 4A(1a) of the Tamil Nadu Open Places (Prevention of Disfigurement) Act, 1950. After that, final report was filed and taken cognizance in STC No.761 of 2020 by the Judicial Magistrate, Paramakudi, Ramanathapuram District.

3. Seeking quashment of the same, this petition has been filed that none of the allegations mentioned either in the FIR or final report attract any of the ingredients of the offences alleged against the petitioner.



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4.Heard both sides.

5.Even though the final report was filed within the period of limitation, perusal of the records shows that the above said flex board was not recovered and no witness was examined to show the recovery. Even if we take that the above said offence has been committed by the accused person, in the absence of recover 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 be allowed.

7.In the result, this criminal original petition stands allowed. The case in STC No.761 of 2020 on the file of the Judicial Magistrate, Paramakudi is hereby quashed as against the petitioner. Consequently, connected Miscellaneous Petition is closed.

Index:Yes/No
Internet:Yes/No
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15/11/2023



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To,

- 1.The Judicial Magistrate,
Paramakudi,
Ramanathapuram District.
- 2.The 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. ILANGO VAN, J

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