



CrI.O.P.No.2072 of 2024

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.02.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CrI.O.P.No.2072 of 2024 and
CrI.M.P.No.1479 of 2024

1.Santhosh
2.Karthick
3.Manoharan

... Petitioners

Vs.

1.The State represented by,
Inspector of Police,
Chithode Police Station,
Erode District.
(Cr.no.188 of 2021)

2.Muralidharan

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to call for the records and quash the First Information Report registered in Cr.No.188 of 2021 on the file of the 1st respondent.

For Petitioner	: Mr.S.Shankar
For RR1	: Mr.A.Damodaran
	Additional Public Prosecutor

ORDER

This petition has been filed challenging the FIR registered in



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Cr.No.188 of 2021 pending investigation on the file of the 1st respondent.

2.The case of the prosecution is that during the elections, based on the surprise check made by the 2nd respondent, on 30.03.2021 at about 11 a.m, it was found that the vehicle that was driven by the petitioner was covered with a flex board containing the name of the party and also its symbol along with the photo of the contestant in the election. Based on the complaint given by the 2nd respondent, an FIR came to be registered in Cr.No.188 of 2021 for offence under Section 4AA(i) (b) r/w 4AA (4) and 5 of the Tamil Nadu Open Places (Prevention of Disfigurement) Act, 1959 .

3. Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor for the 1st respondent.

4. It is not necessary for this Court to go into the allegations made in the FIR. The offences under Sections 4AA(i) (b) r/w 4AA (4) and 5 of the Tamil Nadu Open Places (Prevention of Disfigurement) Act, 1959, is punishable with a maximum imprisonment of one year. The learned Additional Public Prosecutor submitted that a final report is yet



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to be filed in this case. Under Section 468(2)(b) of Cr.P.C, cognizance can be taken only if the final report is filed within a period of one year from the date of registration of the FIR. In this case, it is more than two years since the FIR was registered and the final report has not been filed.

5. In view of the above, even if the final report is filed, the concerned Court is barred from taking cognizance under Section 468(2)(b) of Cr.P.C. Facts of this case does not warrant the concerned Court to exercise its jurisdiction under Section 473 of Cr.P.C. Therefore, the continuation of investigation will result only in abuse of process of law.

6. In the result, the FIR in Cr.No.188 of 2021 on the file of the 1st respondent, is hereby quashed and this Criminal Original Petition stands allowed. Consequently, connected miscellaneous petition is also closed.

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Speaking Order/Non-speaking Order

Index :Yes/No

Neutral citation: Yes/No

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N.ANAND VENKATESH, J.

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To

- 1.The Inspector of Police,
NIB-CID, Salem District,
- 2.The Public Prosecutor,
High Court, Madras.

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