



WEB COPY



Crl.O.P(MD) No.1938 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.02.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P(MD) No.1938 of 2024

- 1.KR.Periyakaruppan
- 2.Saravanan
- 3.Adaikappan
- 4.Muthunanan
- 5.Anburaj

... Petitioners

Vs.

- 1.State rep. by
The Sub-Inspector of Police,
Poolankurichi Police Station,
Sivagangai District.
(Crime No.6 of 2021)

- 2.Selvam

... Respondents

Prayer:

Petition filed under Section 482 of Cr.P.C., seeking to call for the records relating to S.T.C.No.1482 of 2023 on the file of the Judicial Magistrate No.1 Court at Sivagangai and to quash the same.

For Petitioners : Mr.K.Muthuramalingam
For Respondents : Mr.K.M.D.Muhilan for R1
Government Advocate

O R D E R

This petition has been filed to quash the proceedings pending in



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S.T.C.No.1482 of 2023 pending on the file of the Judicial Magistrate No.1 Court at Sivagangai.

2.The case of the prosecution is that on 26.03.2021 at about 12.30 hours, all the petitioners were indulged in campaigning violating the Election Code of Conduct. Based on the complaint given by the second respondent, an F.I.R. came to be registered in Cr.No.6 of 2021 on 26.03.2021 at 07.00 a.m. On completion of investigation, final report has been filed before the Court below and the same has been taken on file in S.T.C.No.1482 of 2023. The Court below has taken cognizance for offence under Sections 143, 171(H) of I.P.C. and Section 4(1) of The Tamil Nadu Open Places (Prevention of Disfigurement) Act. The same has been put to challenge in this petition.

3.Heard the learned counsel for the petitioner as well as the learned Government Advocate.

4.In the considered view of this Court, the incident had taken place during the election campaign that took place in the year 2021.



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The issue itself has become stale and no useful purpose will be served in prosecuting this case at this length of time. In any case, the offence under Section 143 of I.P.C. is not made out and in the same way the offence under Section 4(1) of The Tamil Nadu Open Places (Prevention of Disfigurement) Act is also not made out. The only offence left is under Section 171(H) of I.P.C. and it is a very minor offence.

5.In the light of the above discussion, the proceedings in S.T.C.No.1482 of 2023 on the file of the learned Judicial Magistrate No.1 Court at Sivagangai, is hereby quashed.

6.This criminal original petition is allowed. Consequently, the connected miscellaneous petition is closed.

16.02.2024

pri

Index: Yes/ No
Speaking Order: Yes/ No
NCC: Yes/ No



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N.ANAND VENKATESH,J.
pri

To

- 1.The Judicial Magistrate No.1 Court at Sivagangai.
- 2.The Sub-Inspector of Police,
Poolankurichi Police Station,
Sivagangai District.
(Crime No.6 of 2021)
- 3.The Public Prosecutor,
High Court of Madras,
Chennai 600 104.

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