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Crl.OP.No.6468 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.03.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.6468 of 2024
and Crl.M.P.No.4770 of 2024

Govindasamy @ Govendhan,
S/o.Krishnan

... Petitioner

Vs.

1. The State Represented by,
Inspector of Police,
Kottapatti Police Station,
Dharmapuri District,
(Crime No.94 of 2016)

2. P.Nallathambi,
S/o.Periannan

... Respondents

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., to
call for the records culminating S.T.C.No.936 of 2018, pending on the file
of the learned Judicial Magistrate, Harur and quash the same.

For Petitioner : Mr.B.Mohan

For Respondents : Mr.A.Damodaran

Additional Public Prosecutor [R1]

ORDER

This Criminal Original Petition has been filed challenging the
proceedings in S.T.C.No.936 of 2018 on the file of Judicial Magistrate,
Harur.



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2. The case of the prosecution is that the petitioner along with ten other persons had canvassed during the assembly elections in the year 2016 and thereby, they have violated the election code of conduct. Based on the complaint given by the second respondent, the First Information Report was registered in Crime No.94 of 2016 by the first respondent. On completion of investigation, a final report has been filed before the Court below and it has been taken cognizance for offences under Sections 171(H), 188 IPC and Section 3A(1)(b) of the Tamil Nadu Open Places (Prevention of Disfigurement Act), 1959.

3. Heard Mr.B.Mohan, learned counsel for petitioner and Mr.A.Damodaran, learned Additional Public Prosecutor appearing for first respondent.

4. Insofar as the offence u/s.188 IPC is concerned, the issue is covered by the judgment of this Court in **2018 2 LW (Crl) 606 [Jeevanandham and others Vs. State Rep. by Inspector of Police and another]**. Insofar as the other two offences are concerned, the incident had place in the year 2016 and till date, the case is at the stage of



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issuance of summons to the accused persons. Considering the facts of the case and considering the time that has lapsed in this case, no useful purpose will be served in keeping the proceedings pending. The issue itself is that election campaigning was done beyond the time and thereby, the election code of conduct was violated. After the said election, yet another election has also been completed. Therefore, there is no use in prosecuting this case. This Court is inclined to exercise its jurisdiction under Section 482 Cr.P.C.

In the result, this Criminal Original Petition is allowed and the proceedings in S.T.C.No.936 of 2018 on the file of Judicial Magistrate, Harur, is hereby quashed. Consequently, connected miscellaneous petition is 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.

gm

To

- 1.The Judicial Magistrate,
Harur.
- 2.The Inspector of Police,
Kottapatti Police Station,
Dharmapuri District.
- 3.The Public Prosecutor
High Court, Madras.

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