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Crl.O.P.(MD)No.9259 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2024

CORAM :

THE HONOURABLE MR. JUSTICE DR.G.JAYACHANDRAN

Crl.O.P.(MD)No.9259 of 2024

and

Crl.M.P.(MD)No.6325 of 2024

1. Murugan
2. V.K.G.Muthuramalingam
3. Muthu

... Petitioners

Vs.

1. State through by,
The Inspector of Police,
Kamuthi Police Station,
Ramanathapuram District.
Crime No.159 of 2021.

2. Parthasarathi

... Respondents

PRAYER: This Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleaded to call for the records relating to the STC No.2239 of 2022 on the file of the Learned Judicial Magistrate No.1, Ramanathapuram and quash the same.

For Petitioner : Mr.K.Sathishkumar

For R1 : Mr.K.M.D.Muhilan
Government Advocate (Crl.Side)



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ORDER

This Criminal Original Petition has been filed seeking to quash the final report filed by the first respondent police on 10.04.2022 which was taken on file by the Judicial Magistrate No.1, Ramanathapuram in STC.No.2239 of 2022.

2. The petitioners herein are the accused who are facing trial for the offences punishable under Section 143 and 286 of IPC and Section 4AA(1b) & 4AA(4) of Tamil Nadu Open Places (Prevention of Disfigurement) Act, 1959 in Crime No.159 of 2021.

3. The allegation against these petitioners is that during the election campaign contrary to code of conduct, the petitioners unlawfully assembled and obstructed the public servants in discharge of their public functions and also caused disfigurement.



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4. The learned counsel for the petitioners states that all these offences are punishable for a term upto one year. As per Section 468 of Criminal Procedure Code, 1973, the limitation is one year for filing final report. Whereas, for the FIR registered on 16.03.2021, the final report was filed beyond the period of limitation i.e., on 10.04.2022 and hence prays to quash STC.No.2239 of 2022.

5. The learned Government Advocate for the first respondent would submitted that though the complaint was filed beyond the period of limitation prescribed under Section 468 of Criminal Procedure Code, 1973, the said delay can be condoned by the Magistrate while taking cognizance. In this case, the Magistrate has taken cognizance of the offence which indicates he has implicitly condoned the delay.

6. This Court though agree with the submission made by the learned Government Advocate and taking note of the nature of the complaint, this Court is of the view that the petitioners need not be put to trial for the offences alleged under Section 143 and 286 of IPC and Section 4AA(1b) & 4AA(4) of Tamil Nadu Open Places (Prevention of Disfigurement) Act, 1959 since there is no



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specific material evidence for the damage to public property or wrongful restraint of public servants from discharging their duties. For want of prima facie evidence to attract the offences the complaint has to fail.

7. Hence, this Criminal Original Petition stands allowed with the above observations and directions. No cost. Consequently, connected miscellaneous petition is closed.

01.07.2024

Speaking Order: Yes/No
Neutral Citation: Yes/No
Index :Yes/No
rgm



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To

1. The Inspector of Police,
Kamuthi Police Station,
Ramanathapuram District.
Crime No.159 of 2021.
2. The Public Prosecutor,
High Court, Madras.



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DR.G.JAYACHANDRAN, J.

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