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CrI.O.P.(MD) No.4385 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.04.2024

CORAM

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CRL.O.P (MD) No.4385 of 2024

and

CRL.M.P (MD) No.3454 of 2024

1. Manoj @ Mano Praveen,

2. Arun Kumar,

3. Buvanesh @ Buvaneshwaran,

4. Raja Durai,

5. Vasantha Kumar,

... Petitioners

Vs

The State represented by its

1. The Inspector of Police,
Paramakudi Town Police Station,
Ramanathapuram District.

Crime No. 43 of 2024.

2. M.Venkatesh,

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C,
praying to pass an order of quash to call the entire records in relating to the



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impugned FIR in Crime No.43/2024 on the file of the first respondent and to quash the same.

For Petitioners : Mr.M.S.Jeyakarthik

For R1 : Mr.M.Sakthi Kumar
Government Advocate (Crl. side)

ORDER

The accused in Crime No.43 of 2024 have filed this application to quash the FIR pending against them.

2.The case of the prosecution is that on 01.02.2024, the accused have erected flex board near Kattu Paramakudi agriculture farm, that too without getting any permission from the authorities concerned. Hence the case.

3.The learned Counsel for the petitioners submits that the respondent plice did not state that the accused have erected objectionable advertisement in the flex board. Therefore, the offence under Section 4A(1)(a) of TN Open Places (Prevention of Disfigurement) Act, 1959 is not made out.



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Hence, the FIR is liable to be quashed.

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4.The learned Government Advocate (Criminal Side) submits that the case was registered only on 03.02.2024 and it is a matter for investigation.

5.This court considered the rival submissions made.

6.The case is pending at the stage of investigation. The grounds raised by the petitioners can very well be considered by the investigating officer during the course of investigation. The FIR is nothing but registering the complaint in the register of the Police. The purpose of investigation is to find out truth whether the complaint is genuine or not. The investigating officer is expected to conduct the investigation in a fair manner by considering the evidence produced by the defacto complainant and the accused. The grounds raised by the petitioners herein can very well be appreciated by the investigating officer during the course of investigation.

7.The motto of the government in its emblem is Truth Alone Triumphs and therefore, it is the responsibility of every government servant



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including the investigating officer to discharge their duty as expected by the government and to ensure Truth alone Triumphs.

8. Therefore, this petition is closed with liberty to the investigating officer to conduct the investigation by considering the points raised in this application, during the course of investigation and shall conclude the investigation within a period of four months either by filing final report or with a closure report.

9. The grievance of the petitioner is that the investigation has been taken as against the petitioners alone. According to him, apart from the petitioner's flex board, five other flex boards were erected in the same area for the temple festival. However, action has not been taken as against others. This grievance has also to be addressed by the respondent police by taking action against all the persons who have put up the flex board without permission.



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10. Consequently, the connected miscellaneous petitions are closed.

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NCC : Yes/No
Internet: Yes/No
Index: Yes/No

LR

To

1. The Inspector of Police,
Paramakudi Town Police Station,
Ramanathapuram District.

2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI, J.

LR

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