



Crl. O.P. No. 7486 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2025

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl. O.P. No. 7486 of 2025

and

Crl. M.P. Nos. 4777 & 4779 of 2025

Sivasankaran

... Petitioner

Vs.

State rep., by
The Inspector of Police,
Ariyalur Police Station,
Ariyalur.

.. Respondent

(Crime No. 24 of 2019)

PRAYER: Criminal Original Petition is filed under Section 528 of BNSS, to call for the records in STC. No. 1064 of 2021 pending on the file of Judicial Magistrate-I, Ariyalur and quash the same as against the petitioner and thus, render justice.

For Petitioner : Mr. N.R. Elango, Senior Counsel
for Mr. Aswin Prasanna A.S.

For Respondent : Mr. K.M.D. Muhilan,
Government Advocate (Crl.side)

ORDER

This Criminal Original Petition has been filed to quash the proceeding in STC No. 1064 of 2021 pending on the file of the Judicial Magistrate-I, Ariyalur.



Crl. O.P. No. 7486 of 2025

2. The case of the prosecution is that on 15.04.2019, the Petitioner was granted permission to campaign between 08.00 pm to 10.00 pm but the first accused continued to campaign for 4 minutes beyond the 10.00 pm time limit in the presence of this petitioner/A5 without obtaining prior permission from the police. Despite repeated warnings issued by the respondent police, the Petitioner did not disperse. Consequently, he was arrested and the respondent police registered a suo motu FIR in Crime No. 24 of 2019 for offences punishable under Sections 143, 341, 171(I) of IPC and under Sections 3(5), 3-A of Tamil Nadu Town Nuisance Act, 1889.

3. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) for the respondent and perused the materials available on record.

4. On perusal of the charge, it is seen that the the petitioner unlawfully campaigned beyond the time limit. Therefore, the respondent police levelled the charges under Sections 143, 341, 171(I) of IPC and under Sections 3(5), 3-A of Tamil Nadu Town Nuisance Act, 1889 as against the petitioner and others.



Crl. O.P. No. 7486 of 2025

WEB COPY

5. In the case on hand, the First Information Report has been registered by the respondent police for the offence punishable under Sections 143, 341, 171(I) of IPC and under Sections 3(5), 3-A of Tamil Nadu Town Nuisance Act, 1889. He is not a competent person to register FIR. Therefore, the final report cannot be sustained and is liable to be quashed.

6. Accordingly, the proceeding in S.T.C. No. 1064 of 2021 pending on the file of learned Judicial Magistrate-I, Ariyalur, is hereby quashed and this Criminal Original Petition stands allowed. Consequently, connected miscellaneous petitions are closed.

14.03.2025

Index : Yes/No
Neutral citation : Yes/No
AT



WEB COPY



Crl. O.P. No. 7486 of 2025

G.K.ILANTHIRAIYAN, J.

AT

To

1.The Judicial Magistrate Court No.I, Ariyalur.

2.The Inspector of Police,
Ariyalur Police Station,
Ariyalur.

3.The Public Prosecutor,
High Court, Madras.

Crl. O.P. No. 7486 of 2025 and
Crl. M.P. Nos. 4777 & 4779 of 2025

14.03.2025