



Crl.O.P.No. 8454 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.03.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.8454 of 2025

and

Crl.M.P.No.5548 of 2025

1.M.Balamurugan

2.P.P.Mohan

3.G.Arul

4.E.Shanmugam

5.P.Nagaraj

6.M.Kathirvel

7.L.Attral Arasu

8.G.Semban

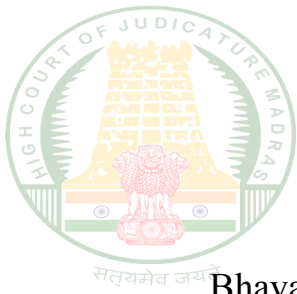
9.S.Sirajdheen

10.B.Jannathul Browthalus

... Petitioners

Vs.

1.The State Represented by,
The Inspector of Police,



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Bhavani Police Station,
Erode District.
(In Crime No.215 of 2024)

2.Palaniswamy

... Respondents

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 to call for the records culminating in STC.No.10 of 2025, pending on the file of the learned Judicial Magistrate No.I, Bhavani, quash the same.

For Petitioners : Mr.S.Bharanidharan

For R1 : Mr.A.Gopinath,
Government Advocate (crl.side)

ORDER

This Criminal Original Petition has been filed to quash the proceedings in STC.No.10 of 2025 pending on the file of the learned Judicial Magistrate No.I, Bhavani.

2. The case of the prosecution is that the petitioners along with 20 others, engaged in election campaigning near the Ambedkar Statue in



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Periyar Nagar, Bhavani, in violation of election conduct rules. As a result, the complaint was registered against the petitioners and others for the offence under Section 171(H) of IPC.

3. Heard both sides and perused the materials placed on record.

4. On perusal of the charge sheet, it is evident that the necessary ingredients to attract the offence under Section 171(H) of IPC are not made out. Even according to the prosecution's case, the petitioners conducted an election campaign in front of the Ambedkar Statue without the consent of the candidate. However, the charge sheet does not establish that the petitioners made any illegal payments in connection with the election. In this context, it is pertinent to extract the provisions of Section 171-H of the IPC, which reads as follows:

“171H. Illegal payments in connection with an election -

Whoever without the general or special authority in



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writing of a candidate incurs or authorises expenses on account of the holding of any public meeting, or upon any advertisement, circular or publication, or in any other way whatsoever for the purpose of promoting or procuring the election of such candidate, shall be punished with fine which may extend to five hundred rupees: Provided that if any person having incurred any such expenses not exceeding the amount of ten rupees without authority obtains within ten days from the date on which such expenses were incurred the approval in writing of the candidate, he shall be deemed to have incurred such expenses with the authority of the candidate.”

Thus, it is clear that, in the case on hand, there are no materials to suggest that the petitioners made any illegal payments in connection with the election campaign, which would attract the offence under Section 171-H of the IPC, even as per the case presented by the prosecution.

5. In view of the above, the entire proceeding in STC.No.10 of 2025 pending on the file of the learned Judicial Magistrate No.I, Bhavani cannot be sustained and is liable to be quashed. Accordingly, the entire proceeding in STC.No.10 of 2025 is hereby quashed and the Criminal



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Original Petition stands allowed. Consequently, connected miscellaneous petition is closed.

21.03.2025

Neutral citation : Yes/No
Speaking/non-speaking order
shk

G.K.ILANTHIRAIYAN, J.

shk

To

1. Judicial Magistrate No.I, Bhavani



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2.The Inspector of Police,
Bhavani Police Station,
Erode District.

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