



Crl.O.P.No. 13302 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.04.2025

CORAM:

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

Crl.O.P.No.13302 of 2025 and
Crl.MP.Nos.8806 & 8808 of 2025

K.Venkatesan

.... Petitioner

Vs

1.State Rep by Inspector of Police,
Gudiyatham Town Police Station,
Vellore-District

2.K.Balaraman

(in crime No.168 of 2016)

.... Respondents

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records in STC.No.4 of 2019 on the file of the learned Judicial Magistrate Court, Gudiyatham, quash the same.

For Petitioner : Mr.R.Govindasamy

For Respondents

For R1 : Mr.A.Gopinath,
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed praying to quash proceedings in STC.No.4 of 2019 on the file of the learned Judicial



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Magistrate Court, Gudiyatham.

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2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate(crl.side) appearing for the first respondent.

3. The case against the petitioner is that when the election code of conduct was in force, the petitioner is said to have drawn his political party's symbol in a cinema theatre without prior permission. Based on the complaint given by the Revenue Inspector of KV Kuppam Parliament Constituency, a First Information Report came to be registered in crime No.168 of 2016 on the file of the first respondent.

4. Taking into consideration the facts and circumstances of the case and also the fact that the incident had taken place during the election time and no serious allegations are involved, this Court is inclined to bring this case within the scope of Section 95 IPC. The continuation of proceedings against the petitioner is not required at this stage.

5. In the light of the above discussion, this Criminal Original



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Petition is allowed and the proceedings in STC.No.4 of 2019 on the file of the learned Judicial Magistrate Court, Gudiyatham, is hereby quashed.

Consequently, connected miscellaneous petitions are closed.

29.04.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
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To

- 1.The learned Judicial Magistrate Court, Gudiyatham
- 2.Inspector of Police,
Gudiyatham Town Police Station,
Vellore-District
- 3.The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN, J.

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