



WEB COPY



CrI.O.P.No.27802 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.10.2025

CORAM:

THE HON'BLE MR.JUSTICE N. SATHISH KUMAR

CrI.O.P.No.27802 of 2025
and CrI.M.P.No.18877 of 2025

R.Kathiravan

... Petitioner

Vs.

1. The State by,
The Inspector of Police,
J-6, Thiruvanmiyur Police Station,
Adayar, Chennai - 600 041.
(Crime No.79 of 2022)

2. S.Vijayakumari

... Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C/Section 528 of BNSS, to call for the entire records in connection with the FIR in Crime No.79 of 2022, pending investigation on the file of the first respondent Police and quash the same.

For Petitioner : Mr.S.Vijayaraghavan

For R1 : Mr.K.M.D.Muhilan
Additional Public Prosecutor

ORDER

The Criminal Original Petition has been filed seeking to quash the First Information Report in Crime No.79 of 2022, registered on the file of



Crl.O.P.No.27802 of 2025

the first respondent Police, based on the complaint given by the second respondent/de facto complainant, for the offences under Section 504 of IPC, Section 3 of TN Public Property (Prevention of Damage and Loss) Act and Section 136 of the Representation of People Act.

2. The allegation in the First Information Report is that during the ward election on 19.02.2022, at about 2.45 p.m., the accused suddenly entered the polling booth, threw and damaged the control unit and ballot unit and prevented the public from voting. Based on the complaint given by the de facto complainant, who was the election in-charge of the said zone, the present case came to be registered.

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

4. On a perusal of the First Information Report, this Court finds that except for the above allegations, there are no other specific allegations indicating any actual damage to the public property. This Court has also perused the Case Diary file, which shows that the alleged damage has not been established anywhere. Infact, the control unit and the ballot unit have not been seized and the extent of damages has not been ascertained till date.



Crl.O.P.No.27802 of 2025

5. In view of the above, this Court is of the opinion that the investigation has not been progressed in any meaningful manner and merely keeping the First Information Report alive without seizing the materials or ascertaining the alleged damage would serve no purpose. Further, when the offence under Section 3 of the TNPPDL Act has not been made out, cognizance of the other offences cannot be taken, as the same is also barred by limitation. Therefore, this Court is inclined to quash the proceedings pending against the petitioner, in exercise of its jurisdiction under Section 482 of Cr.P.C./Section 528 of BNSS.

6. Accordingly, this Criminal Original Petition stands allowed. The First Information Report in Crime No.79 of 2022, pending on the file of the first respondent Police is hereby quashed. Consequently, the connected miscellaneous petition is closed.

15.10.2025

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Neutral Citation: Yes/No

To

1. The Inspector of Police,
J-6, Thiruvanmiyur Police Station,
Adayar, Chennai - 600 041.
2. The Public Prosecutor, High Court of Madras.

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Crl.O.P.No.27802 of 2025

N. SATHISH KUMAR, J.
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***Crl.O.P.No.27802 of 2025
and Crl.M.P.No.18877 of 2025***

15.10.2025