



Crl.O.P.(MD)No.850 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.01.2025

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.850 of 2025
and Crl.M.P(MD).Nos.570 and 572 of 2025

1.Subramani
2.Kombaiah
3.Rama Esakki

: Petitioners

Vs.

1.The State of Tamil Nadu,
Rep., by the Inspector of Police,
Munneerpallam Police Station,
Tirunelveli District.
Crime No.370 of 2024

2.S.Alli Arasan

: Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS,
to call for the records in CC.No.1516 of 2024 on the file of the Judicial
Magistrate Court -V, Tirunelveli and quash the same.

For Petitioners : Ms.J.Annie Infanta

for Mr.R.Thamarai Selvan

For R1

: Mr.A.Thiruvadikumar
Additional Public Prosecutor



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ORDER

The petitioners, who are accused and facing trial in C.C.No.1516 of 2024 for the offence under Section 285 of BNS Act, Section 4 A(1b) of TN Open Places (Prevention of Disfigurement) Act and Section 3(5) of TN Town Nuisance Act. The case projected against the petitioners is that on 20.08.2024 during morning hours, there was a temple festival of Arulmighu Muppudathi Durgai Amman temple and the police were keeping on petrol duty, at that time, it was found that the petitioners are violated the conditions imposed on 14.08.2024 to the organizers of the festival to be followed. In violating the condition passed, the petitioners had put up a huge பந்தல் on the road obstructing the movement of public and vehicle and further, the petitioners had also installed their community flag on top of பந்தல், thereby caused disturbance and disharmony between two groups. Hence, case has been registered against the petitioners.

2. The learned counsel for the petitioners submitted that the petitioners had participated in the temple festival and they were not reason for put up பந்தல் or installing of community flag on the top of the பந்தல். Since they were active during temple festival, they have been identified



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and targeted by the police. Earlier, the police had put some unwanted restrictions to the devotees, which the petitioners had questioned the police and hence, they have been made as scapegoat. In this case, case projected against the petitioners is that incident had taken place in the public place and they had obstructed the movement of the public and transport. The witnesses in this case are the police personnels and nothing else. No public had lodged any complaint. The police had foisted a false case against the petitioners.

3. The learned Additional Public Prosecutor submitted that the defacto complainant/ L.W.1 was on patrol duty along with police personnels, at that time, they found that the petitioners being active members of their community had put up a huge பந்தல் on the middle of road obstructing the movement of public and transport. The police has warned them and also reminded that they have been given permission to conduct festival with certain restrictions, but the petitioners had not followed the restrictions, on the other hand, caused public disturbance. They were asked to remove பந்தல், on the other hand, they used abusive and threatened the police official, thereafter only, case has been registered.



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On recording the statement of witnesses, charge sheet was filed listing L.W.1 to L.W.7.

4. Considering the submissions and perusal of the materials, it is seen that in this case, the primary allegation is that the petitioners had put up பந்தல் in the middle of the road and also installed their community flag on the top of பந்தல், thereby caused annoyance to the public and also obstruction to the movement of the public and transport. Admittedly, in this case, L.W.1 to L.W.7 all are police witnesses and no public have been examined as witness. It is also seen that no public had come and lodged complaint that their normal movement was obstructed and their transportation was also obstructed. Further as regards the damages of public property, it is for the owner of the property, to whom, damage was caused, to lodge complaint. In this case, பந்தல் has been put up in the middle of the road causing damage. In such circumstances, Municipal authority or authority with whom the road is entrusted ought to have lodged a complaint. No such complaint has been lodged. In view of the same, the proceedings in C.C.No.1516 of 2024 on the file of the Judicial Magistrate Court V, Tirunelveli is hereby quashed and this Criminal



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Original Petition is allowed. Consequently, connected Miscellaneous

Petitions are closed.

21.01.2025

NCC : Yes/No
Index : Yes / No
Rmk

To

- 1.The Judicial Magistrate Court -V, Tirunelveli.
- 2.The Inspector of Police,
Munneerpallam Police Station,
Tirunelveli District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR,J.

Rmk

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