



Crl.O.P.(MD) No.1093 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 08.09.2025

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD) No.1093 of 2024

and

Crl.M.P.(MD) Nos.725 & 726 of 2024

Dheenathayalan

... Petitioner

Vs.

1.The Inspector of Police,
Avudaiyarkovil Police Station,
Pudukkottai District.
(Crime No.169 of 2019)

2.Rethesh

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Code of Criminal Procedure, 1973/Section 528 of Bharathiya Nagarik Suraksha Sanhita, 2023 to call for the records pertaining to the impugned proceedings in S.T.C.No.556 of 2022 on the file of the Judicial Magistrate Court, Aranthangi and quash the same as far as the petitioner is concerned.

For Petitioner : Mr.S.Ramsundarvijayraj

For R1 : Mr.K.Sanjai Gandhi
Government Advocate (Crl. Side)



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ORDER

This Criminal Original Petition has been filed to quash the final report filed by the first respondent police against the petitioner for the offences punishable under Sections 143, 341, 283, and 171(E) of the Indian Penal Code, 1860, in S.T.C.No.556 of 2022 on the file of the learned Judicial Magistrate, Aranthangi.

2. The allegation in the final report against the petitioner is that during a local body election, the petitioner along with others stopped the voters and served tea, coffee, and cool drinks to persuade them to cast their votes in their favour.

3. The learned counsel for the petitioner would submit that the allegations, besides being false, would not constitute any of the offences alleged; that the impugned proceedings were initiated at the instance of the Village Administrative Officer, and that none of the persons who were allegedly induced to vote had lodged any complaint; and that the complaint has been lodged only on the presumption that tea, coffee, and cool drinks were offered to induce the voters to vote in favour of A1.



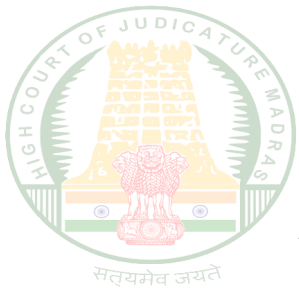
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4. The learned Government Advocate (Criminal Side) for the first respondent would submit that five witnesses have been examined by the prosecution, out of whom the 4th and 5th witnesses are eye-witnesses to the occurrence and have spoken about the alleged occurrences, and therefore, these allegations against the petitioner are substantiated and would constitute the aforesaid offences.

5. This Court has perused the impugned final report and the statements recorded by the police in support thereof.

6. At the outset, the allegations do not attract the offences punishable under Sections 341 and 283 of the Indian Penal Code, 1860 for the reasons that there is no allegation in the impugned final report to suggest that the petitioner committed wrongful restraint so as to attract the offence under Section 341 of the IPC and that the petitioner has not committed any act so as to cause danger or obstruction in a public way or line of navigation, so as to attract the offence punishable under Section 283 of the IPC.



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7. As regards the offence punishable under Section 171(E) of the IPC, it is seen that none of the persons who were allegedly induced by the petitioner and others to vote in favour of A1 were examined by the prosecution. The prosecution has not produced any evidence to establish that tea, coffee, and cool drinks were offered as a bribe only for inducing the voters to exercise their electoral rights in a particular manner. The statements of the eyewitnesses also do not suggest that tea, coffee, and cool drinks were offered with the sole intention of making these persons vote in favour of A1. In the absence of any definite evidence on the side of the prosecution, the offence under Section 171(E) of the IPC would not be made out.

8. Consequently, since none of the above offences are made out, the offence under Section 143 of the IPC would also not be made out.

9. That apart, even assuming that the offences are made out, the allegations are trivial in nature and would also fall under Section 95 of the IPC. Hence, this Court is of the view that the impugned final report is liable to be quashed. Accordingly, the impugned final report is quashed.



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10. With the above observations, this Criminal Original Petition is

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allowed. Consequently, the connected Miscellaneous Petitions are closed.

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Index: Yes/ No

Neutral Citation: Yes / No

Speaking Order / Non-Speaking Order

Copy To:

- 1.The Judicial Magistrate,
Aranthangi, Pudukottai District.
- 2.The Inspector of Police,
Avudaiyarkovil Police Station,
Pudukkottai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SUNDER MOHAN, J.

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