



Crl.O.P.(MD)No.10150 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 17.06.2025

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

Crl.O.P.(MD)No.10150 of 2025
and
Crl.M.P.(MD)Nos.7538 & 7539 of 2025

Neduncheliyan

... Petitioner

Vs.

1.The Inspector of Police,
Town North Police Station,
Dindigul.
(Crime No.202 of 2021)

2.Karmega Karuppaiah

... Respondents

Prayer : Criminal Original Petition filed under Section 528 BNSS, to call for the records in respect of STC.No.1911 of 2021 on the file of the learned Judicial Magistrate No.II, Dindigul and quash the same.

For Petitioner

: Mr.D.Venkatesh

For R1

: Mr.A.S.Abul Kalaam Azad,
Government Advocate(Crl.side)



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ORDER

The petitioner, who is sole accused in STC.No.1911 of 2021 on the file of the learned Judicial Magistrate No.II, Dindigul, has filed the present petition to quash the said proceedings.

2.The case of the prosecution is that during the General Elections to the Tamil Nadu Legislative Assembly, 2021, when the election rules and regulations were in force, without any prior permission, the accused person had hoisted DMK party's flag in the barricade and also installed electric lights. Hence, the second respondent, who was working in the election flying squad at Dindigul constituency, lodged a complaint, based on which, a case in Cr.No.202 of 2021 has been registered by the first respondent Police. After completion of investigation, the first respondent Police filed the final report, which was taken on file in STC.No.1911 of 2021 by the learned Judicial Magistrate No.II, Dindigul. Challenging the same, the petitioner filed the present petition.

3.The learned counsel appearing for the petitioner submits that the allegations levelled against the petitioner is baseless and the first



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respondent without conducting the investigation in a proper manner, has filed the final report mechanically. Accordingly, he prays to quash the proceedings pending against the petitioner.

4.The learned Government Advocate(Crl.side) appearing for the first respondent submits that the grounds raised by the petitioner, have to be appreciated only before the trial Court during the course of trial. Accordingly, he prays to dismiss the present petition.

5.This Court considered the rival submissions made on either side and perused the materials available in the records.

6.As rightly pointed out by the learned Government Advocate(Crl.side), the grounds raised in the present petition have to be appreciated only during the course of trial. Therefore, this Court is not inclined to entertain this petition.

7.It is regrettable to note that neither the political party nor the authority is having any responsibility or sense towards common places. Entire city is filled up with posters and banners. Though there is a



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specific Act, namely, Tamil Nadu Open Places (Prevention of Disfigurement) Act, 1959, cases are registered, very rarely, emboldening, the political parties to commit the offence repeatedly. Rarely, the present case has been registered, wherein a final report has also been filed by the first respondent Police. The Photographs produced by the first respondent Police shows that the petitioner has committed an offence punishable under the provisions of the Tamil Nadu Open Places (Prevention of Disfigurement) Act, 1959. Be that as it may, the petitioner has to plead his innocence only before the trial Court. The learned Judicial Magistrate No.II, Dindigul is directed to complete the trial in STC.No.1911 of 2021, within a period of three months from the date of receipt of a copy of this order.

8.In the result, this criminal original petition is dismissed with liberty to the petitioner to raise all these grounds before the trial Court. Consequently, connected miscellaneous petitions are closed.

17.06.2025

NCC : Yes/No
Index : Yes/No
Internet:Yes
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To

- 1.The Judicial Magistrate No.II, Dindigul
- 2.The Inspector of Police,
Town North Police Station,
Dindigul.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI,J

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