



Crl.O.P(MD).No.19275 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 28.01.2025

CORAM:

THE HONOURABLE **MR.JUSTICE M.NIRMAL KUMAR**

Crl.O.P(MD).No.19275 of 2024

and

Crl.M.P(MD)No.11889 of 2024

M.Suresh

...Petitioner

Vs

1. The Inspector of Police
Thalayuthu Police Station
Tirunelveli District

2.A.Christy

...Respondents

PRAYER: Criminal Original Petition filed under Section 528 of BSNSS to call for the records of the impugned First Information Report in Crime No.467 of 2024 on the file of the first respondent dated 09.10.2024 and quash the same as against the petitioner.

For Petitioners : Mr.K.Jeyamohan

For Respondents : Mr.A.Thiruvadi Kumar
No.1 Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to quash the First Information Report in Crime No.467 of 2024 on the file of the first respondent dated 09.10.2024.



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WEB COPY 2. The case of the prosecution is that on 09.10.2024 at about 7.00 pm., without getting permission from the police the petitioner herein along with other persons have celebrated 100th birthday of Immanuel Sekaran and also without getting any permission they set up the sound amplifier and 15 feet high billboard for the said event. Further on the same day at about 7.30 hrs around 200 people gathered there to hear the speech of their movement leader and supported his speech which obstructed the traffic, hence a case has been registered.

3. The contention of the petitioner is that a false case has been foisted against the petitioner and in this case all the witnesses are official witnesses and no private persons have been examined. The case projected against the petitioner along with other accused is that without getting any permission they set up the sound amplifier and 15 feet high billboard. He would further submit that Section 4A(1a) of the Tamil Nadu Open Places (Prevention of Disfigurement) Act, 1959 does not apply to the Petitioner, as the Petitioner was not involved in the affixing or exhibiting of any advertisements in public places.



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4. The learned Additional Public Prosecutor would submit that the

Special Sub Inspector of Police is the complainant in this case. Finding that petitioner along with other accused are the reason for gathering the people and causing obstruction to the traffic in the public place without seeking any permission a case has been registered. The provisions of Section 4A(1a) of the Tamil Nadu Open Places (Prevention of Disfigurement) Act, 1959 are applicable to the Petitioner, as his actions, whether direct or indirect, contributed to the unlawful affixing of advertisements in public places without the requisite consent and his involvement cannot be slightly discarded. He would further submit that now the investigation has been completed and final report has been filed before the learned Judicial Magistrate No.III, Tirunelveli.

5. Considering the above said submissions of both the counsel for the Petitioner and the learned Additional Public Prosecutor, and on perusal of the materials on record, this Court finds that the allegations in the F.I.R. against the petitioner is unfounded and do not disclose any cognizable offence. The petitioner has not been shown to have participated in the unlawful assembly or engaged in any wrongful restraint, and no specific overt act is attributed against him in the F.I.R. Therefore, the continuation of the criminal proceedings would amount to an abuse of the process of law.



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WEB COPY 6. In view of the above, this Court quashes the First Information Report in Crime No.467 of 2024 and all subsequent proceedings against the Petitioner and other accused persons, who are similarly placed. Accordingly, this Criminal Original Petition is allowed and further the final report filed before the learned Judicial Magistrate No.III, Tirunelveli is also quashed.

7. In the result, the Criminal Original Petition is allowed.
Consequently, connected miscellaneous petition is closed.

28.01.2025

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

1. The Inspector of Police
Thalayuthu Police Station
Tirunelveli District
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR,J.

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