



Crl.O.P.(MD)No.17545 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.10.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD).No.17545 of 2025

and

Crl.MP(MD).Nos.14288 and 14289 of 2025

Thandirajan

... Petitioner / Accused No.4

Vs.

1.The State of Tamil Nadu Rep. by the
Inspector of Police,
Sivagangai Town Police Station,
Madurai.
(Crime No.321 of 2024).

... 1st Respondent / Complainant

2.Hari Krishnan,
S/o.Name Not Known,
Sub Inspector of Police,
Sivagangai Town Police Station,
Sivagangai..

... 2nd Respondent / Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records pertaining to the Charge Sheet in STC No.425 of 2024 on the file of the learned Judicial Magistrate-I, Sivagangai and quash the same as illegal so far as the petitioner is concerned.



For Petitioner : Mr.N.Jeyaram Sidharth
For R1 : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor

ORDER

This petition has been filed to quash the impugned final report in S.T.C. No.425 of 2024 on the file of the learned Judicial Magistrate-I, Sivagangai for the offences punishable under Sections 143, 283 and 290 of IPC.

2. The allegation in the impugned final report is that when the Election Code of Conduct was in force, the petitioner, without obtaining permission had obstructed the traffic and seeking votes for the candidate belonging to their political party for the parliamentary election.

3. The learned counsel for the petitioner would submit that the allegation besides being false would not constitute any of the offences alleged; that the respondents have not examined any witnesses to establish an unlawful assembly or the commission of the offence under Sections 283 or 290 IPC; and that the three witnesses have been cited by the prosecution, who are the Police Constables attached to the respondent Police along with the Investigating Officer and hence, he sought for quashing of the impugned final report.



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4. The learned Additional Public Prosecutor, on instructions, would submit that three witnesses have been cited by the prosecution as LW1 to LW3, who are the Police Constables and Investigating Officer and had witnessed the commission of the offence; that their statements are sufficient to establish the commission of offence; and therefore would submit that the points raised by the petitioner can be adjudicated only by the trial Court and not in the quash petition.

5. The allegations seen from the impugned final report is that the petitioner had canvassed votes for the candidate in the parliamentary election while the Model Code of Conduct was in force. Strangely, the prosecution had not chosen to examine any of the members of the public to establish that the petitioner had induced them for voting in favour of the candidate. In any case, mere violation of Election Code of Conduct would not attract the offence under Sections 283 or 290 IPC unless the ingredients of those offences are made out. In the absence of any independent witnesses examined by the prosecution to establish those offences, the chances of conviction for the petitioner are bleak. That apart, even assuming that the offences are made out, the allegations are trivial in nature and would fall under Section 95 of IPC. Therefore, this Court is of the view that the impugned final report is liable to be quashed as against the



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petitioner and hence quashed. Accordingly, the Criminal Original Petition is allowed. Consequently, connected Miscellaneous Petitions are closed.

22.10.2025

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

Indu

To

- 1.The Inspector of Police,
Sivagangai Town Police Station,
Madurai.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SUNDER MOHAN, J.

Indu

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