



Crl.O.P.(MD) No.17870 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.11.2025

CORAM

**THE HON'BLE MR.JUSTICE SUNDER MOHAN**

**Crl.O.P.(MD) No.17870 of 2025**

Sarath Kumar

... Petitioner

Vs.

The State of Tamil Nadu rep. by  
The Inspector of Police,  
Sathirakudi Police Station,  
Ramanathapuram District.  
(Crime No.128 of 2024)

... Respondent

PRAYER : Criminal Original Petition filed under Section 528 of Bharathiya Nagarik Suraksha Sanhita, 2023 to call for the records in S.T.C.No.144 of 2025 on the file of the learned Judicial Magistrate, Paramakudi and quash the same against the petitioner.

For Petitioner : Mr.K.Durai Pandian

For Respondent : Mr.R.Meenakshi Sundaram  
Additional Public Prosecutor

### **ORDER**

This Criminal Original Petition has been filed to quash the final report in S.T.C.No.144 of 2025, on the file of the learned Judicial



Crl.O.P.(MD) No.17870 of 2025

Magistrate, Paramakudi, filed against the petitioner/A1 for the offences punishable under Section 4A(1a) of the Tamil Nadu Open Places (Prevention of Disfigurement) Act, 1959.

2. The gist of the allegation is that the petitioner, along with others, had erected a banner in a public place without any permission, containing their photographs and of one Thakur, and thus committed the aforesaid offences.

3. The learned counsel for the petitioner would submit that the impugned prosecution is an abuse of the process of law; that the respondent has not examined any independent witness to establish that the petitioner, along with others, had fixed the banner; that the banner was not seized; that the photograph of the said banner is stated to have been taken by the respondent police, yet the same has not been filed along with the final report; that the three witnesses cited by the prosecution are police officials attached to the respondent police; and that, in fact, in the statement of L.W.1, a police constable attached to the respondent police who assisted the Sub-Inspector of Police, the Investigating Officer, he has stated that the photograph of one Thakur was fixed by the petitioner and



Crl.O.P.(MD) No.17870 of 2025

others without his knowledge and that he came to know of it only during the enquiry; and that there is no reference to what kind of enquiry was conducted by the Sub-Inspector of Police.

4. The learned Additional Public Prosecutor for the respondent would fairly submit that the three witnesses cited in the impugned final report are police officials and that the banner was not seized by the respondent police.

5. Admittedly, there is no evidence that the petitioner and others had fixed the banner in the public place. Merely because there are photographs of the petitioner and others on the banner, it cannot be said that the petitioner and others are guilty of the offence. As rightly contended by the learned counsel for the petitioner, in the statement of L.W.1, he stated that, on enquiry, it was found that the picture of one Thakur was printed on the banner without his knowledge. However, there is nothing in the impugned final report as to what is the nature of the enquiry conducted by the Investigating Officer or who informed L.W.1 that the picture of the said Thakur was printed without his knowledge. In the absence of any evidence to implicate the petitioner and others, the



Crl.O.P.(MD) No.17870 of 2025

impugned prosecution is an abuse of the process of law. The impugned final report is liable to be quashed and is accordingly quashed.

6. Hence, this Criminal Original Petition is allowed.

10.11.2025

JEN

Index: Yes/ No

Neutral Citation: Yes / No

Speaking Order / Non-Speaking Order

Copy To:

- 1.The Judicial Magistrate,  
Paramakudi.
- 2.The Inspector of Police,  
Sathirakudi Police Station,  
Ramanathapuram District.
- 3.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



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*Crl.O.P.(MD) No.17870 of 2025*

**SUNDER MOHAN, J.**

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Crl.O.P.(MD) No.17870 of 2025

10.11.2025