



Crl.O.P(MD)No.22825 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.12.2025

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.O.P(MD)No.22825 of 2025

and

Crl.M.P(MD)No.19762 of 2025

S.Sureshkumar

... Petitioner/Accused No.2

Vs.

1.The State of Tamil Nadu,
Rep.by Sub-Inspector of Police,
Theppakulam Police Station,
Madurai City.
(Crime No.799/2017)

... Respondent/Complainant

2.K.Velladurai

... Respondent /Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records pertaining to the Impugned First Information Report in Crime No.799 of 2017 dated 26.07.2017 on the file of the respondent registered under Section 4(1) of Tamil Nadu Open Places (Prevention of Disfigurement) Act, 1956 and quash the same as illegal as far as petitioner is concerned.

For Petitioner : Mr.T.Thirumurugan



WEB COPY



Crl.O.P(MD)No.22825 of 2025

For R1

: Mr.M.Sakthi Kumar
Government Advocate(Crl.Side)

ORDER

Seeking to quash F.I.R in Crime No.799 of 2017 dated 26.07.2017 on the file of the respondent police registered under Section 4(1) of Tamil Nadu Open Places (Prevention of Disfigurement) Act, 1956, this criminal original petition is filed.

2. The case of the prosecution is that on 26.07.2017 at about 1.45 p.m., the 2nd respondent, namely, Velladurai working as a Special Special Sub Inspector, while on patrol duty, allegedly found petitioner and another affixing poster on the side walls of PTR bridge, Theppakulam, Madurai city. Deprecating the unhealthy practice of disfigurement of public and private properties with the phrases against one particular political party with an intention to create communal hatred, on his complaint, F.I.R is Crime No.799 of 2017 came to be registered. Despite the passage of the limitation period, the final report is not yet filed and on that ground, the learned counsel for the petitioner sought for quashment of the First Information Report.



Crl.O.P(MD)No.22825 of 2025

WEB COPY

3. The learned Government Advocate(Crl.Side) on instructions submitted that the petitioner had caused disturbance to the public property and hence, it is not necessary to interfere with the pending F.I.R. In this case, investigation is in progress.

4. Heard the learned counsels on either side and carefully perused the materials available on record.

5. It is needless to state that Section 468(2) of Cr.P.C prescribes limitation for the purpose of filing final report after completion of the investigation. However, in the instant case, charge sheet has not been filed for the past more than 8 years. The punishment for the offence under Section 4(1) of Tamil Nadu Open Places (Prevention of Disfigurement) Act, 1956 is upto 3 months imprisonment or with fine upto Rs.200/- or with both. In view of the same, there is a bar for further investigation under Section 468 of Cr.P.C.



Crl.O.P(MD)No.22825 of 2025

WEB COPY

6. In view of the above, F.I.R in Crime No.799 of 2017 on the file of the 1st respondent police is quashed and accordingly, this Criminal Original Petition stands allowed. Consequently, connected Miscellaneous Petition is closed.

12.12.2025

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

gbg

To

- 1.The Sub-Inspector of Police,
Theppakulam Police Station,
Madurai City.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.O.P(MD)No.22825 of 2025

L.VICTORIA GOWRI, J.

gbg

Crl.O.P(MD)No.22825 of 2025

12.12.2025