



Crl.O.P.(MD)No.22696 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.01.2025

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THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.22696 of 2024

and

Crl.MP(MD)No.14204 of 2024

1.Mohammed Ansari
2.Mohammed Yunus
3.Mohammed Yahiya

... Petitioners/A1 to A3

Vs.

The State of Tamil Nau Rep. by

1.The Inspector of Police,
Uppiliyapuram Police Station,
Tiruchirapalli District.
In Crime No.317 of 2019

... Respondent No.1/Complainant

2.Ramkumar

... Respondent No.2/Defacto Complainant

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, 2023, to call for the entire records pertaining to the impugned First Information Report in Crime No.317 of 2019 on the file of the first respondent police station and quash the same as against the petitioners concerned as illegal.

For Petitioners : Mr.P.Ponraj



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For R1

: Mr.A.Thiruvadikumar
Additional Public Prosecutor

ORDER

The petitioners/A1 to A3 in Crime No.317 of 2019 for the offences under Sections 4A(1a) and 4B of the Tamil Nadu Open Places (Prevention of Disfigurement) Act, 1959, had filed this quash petition.

2.The case of the prosecution is that on 06.12.2019, when the second respondent, Ramkumar, who is working as a Sub Inspector of Police attached to the respondent police, was conducting routine patrolling duty, near the Sobanapuram Arasa Mara Vinayagar Temple bus stop, along with his police team, they found that the petitioners pasted a wall advertisement against the Babar Masjid case and higher education for higher community amendment. Further, the petitioners and others had conducted a demonstration in public place without getting due permission from the concerned officials. Hence, a case in Crime No.317 of 2019 has been registered against the petitioners.



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3.The learned counsel for the petitioners submitted that in this case, FIR has been registered as early as on 06.12.2019. Till date, the charge sheet has not been filed. The petitioner had applied for a copy application before the trial Court seeking to furnish a copy of the charge sheet. It has been returned for the reason that no 161 of Cr.P.C. statement and no charge sheet have been filed in this case. He further submitted that no one has lodged a complaint against the petitioners on the side of the municipal authorities or any public with regard to the demonstration, and the entire case was projected only on the statement of the police personnel. Further, how these petitioners were arrayed as accused is not known. The patrolling police party had not seen anyone pasting the poster and only on a mere presumption, they have implicated the petitioners as accused in this case, since they were raising the voice of minority. Hence, both on the factual and legal aspects, the case is not sustainable.

4.The learned Additional Public Prosecutor submitted that in this case, FIR has been registered on 06.12.2019 and the investigation has been completed and the charge sheet was made ready on 20.12.2019 and



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the same was filed before the concerned Court through e-filing on 22.12.2024, listing three witnesses, i.e., two police constables and the investigating officer. He further submitted that the point of limitation would not arise, since the respondent police had already completed the investigation on 20.12.2019 and for the reasons best known, they have filed the charge sheet only on 22.12.2024, through e-filing.

5.This Court considered the submissions made by the learned counsel on either and perused the materials available on record.

6.On perusal of the records, it is seen that the alleged occurrence had taken place on 06.12.2019 and the investigation has been completed on 20.12.2019 and thereafter, the charge sheet has been filed by way of e.filing on 22.12.2024. Admittedly, after filing of the present petition on 18.12.2024, the respondent police had woken up from the slumber and rushed to file the charge sheet. Earlier, the petitioner had applied for a passport for his employment. For police clearance, the passport authorities had addressed the respondent police and thereafter only, the respondent police found that a criminal case was pending against the



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petitioner. It is also seen that no public witnesses have been examined and there are no other materials to show that the bus stop has been disfigured or damaged by the petitioners, like photographs by way of seizure of posters. Except for the police personnel, no one has shown as a witness in this case. In a similar situation, this Court has passed an order in Crl.O.P.No.29104 of 2022 dated 28.11.2022 and also quashed the proceedings against the accused.

7.In view of the same, this Court is inclined to quash the FIR in Crime No.317 of 2019 against the petitioners and discharge them all charges. Accordingly, this Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

NCC : Yes / No
Index : Yes / No
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02.01.2025

To

- 1.The Inspector of Police,
Uppiliyapuram Police Station,
Tiruchirapalli 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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