



CRL.O.P.(MD) NO.2099 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 12.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE P.DHANABAL

CRL. O.P.(MD) No.2099 of 2025

and

CRL. M.P.(MD) Nos.1422 & 1424 of 2025

Satheeshchandran

... Petitioner/sole accused

vs.

1.The State of Tamil Nadu
rep. by The Inspector of Police,
Arumanai Police Station,
Kanniyakumari District.
(Crime No.18 of 2024)

2.Rajangaperumal

... Respondents

PRAYER: Criminal Original Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 to call for the impugned proceedings in S.T.C.NO.266 of 2024 on the file of learned Judicial Magistrate Court No.1, Kuzhithurai, Kanniyakumari and quash the same as illegal.



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For petitioner : Mr.K.Jeyamohan

For respondents :Mr.K.Sakthi Kumar,
Government Advocate (Crl.Side) for R1

ORDER

This petition has been filed by the petitioner to quash the proceedings in S.T.C.No.266 of 2024, on the file of learned Judicial Magistrate Court No.1, Kuzhithurai, Kanniyakumari.

2. The prosecution case is that the petitioner, without any permission, installed the flex board for the installation of Ramar Statue in Ayodhi, near the road in front of SRM Dental Hospital.

3. The learned counsel for the petitioner would further submit that the petitioner is the accused in this case and the said case was registered against the petitioner for the offences under Section 4(1) of Tamil Nadu Open Places (Prevention of Disfigurement) Act, 1959, alleging that he installed the flex board near the road in front of SRM Dental Hospital, for the installation of Ramar statue at Ayodhi. But, there is no eye witness to state about the incident. Without any evidence, they registered the FIR and investigated the case and filed Final Report. The Trial Court, without



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any material, has taken cognizance. Therefore, the pending proceedings in S.T.C.No.266 of 2024 is abuse of process of law and is liable to be quashed.

4. The learned Government Advocate (Crl.Side) for the respondent police would submit that the petitioner installed the flex board without any permission, on account of the installation of Ramar statue at Ayodhi, causing disturbance to the public at Majamulu Road, in front of SRM Dental Hospital. Therefore, they registered the FIR under Section 4(1) of Tamil Nadu Open Places (Prevention of Disfigurement) Act, 1959 and conducted investigation. As per the investigation, there are *prima facie* materials available as against the petitioner, therefore, they filed Final Report and Trial Court also has taken cognizance. Therefore, the petitioner has to face the trial. Hence, the present petition is liable to be dismissed.

5. This Court heard both sides and perused the records.

6. On perusal of the records, it is seen that there is no eye witness to the occurrence and no any evidence to show that the petitioner only



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installed the flex board in the place of occurrence. Even according to the prosecution case, the complainant/L.W.1 of this case, on enquiry, came to know that this petitioner only installed the flex board. There is no any witness to state that the petitioner only installed the flex board. Moreover, the respondent also failed to seize the said board and produce before the Court and the Investigation Officer not even took photos of the said flex board. Without any material, the complaint has been lodged and thereafter, Final Report was filed. Therefore, the pending S.T.C.No.266 of 2024, which is without any material as against the petitioner, is abuse of process of law. The Trial Court has also, without any material, taken cognizance as against the petitioner, for the offences under Section 4(1) of Tamil Nadu Open Places (Prevention of Disfigurement) Act, 1959. Therefore, the pending proceedings in S.T.C.No.266 of 2024, on the file of the Judicial Magistrate No.1, Kuzhithurai, Kanniyakumari, is liable to be quashed.

7. The learned counsel for the petitioner also produced the judgement of this Court in ***Arjunan Sampath @ Arjun Sampath and another vs. The Sub Inspector of Police, Rajapalayam North Police Station, Virudhunagar (Crl.O.P.No.10176 of 2023)***, wherein, this Court



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quashed the similar kind of cases for non production of any poster or banner. In this case also, the prosecution failed to produce the said flex board and no other evidence produced to show that the petitioner only erected the flex board.

8. In view of the above discussion, this Criminal Original Petition is allowed and the pending proceedings in S.T.C.No.266 of 2024 on the file of learned Judicial Magistrate Court No.1, Kuzhithurai, Kanniyakumari, is quashed. Consequently, connected miscellaneous petitions are closed.

12.02.2025

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

To

1. The Judicial Magistrate No.1,
Kuzhithurai, Kanniyakumari

2. The Inspector of Police,
Arumanai Police Station,
Kanniyakumari District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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P.DHANABAL,J

apd

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