



WEB COPY

CRL OP No. 1870 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-02-2026

CORAM

THE HON'BLE MR JUSTICE A.D.JAGADISH CHANDIRA

**CRL OP No. 1870 of 2026
and Crl.M.P.No.1234 of 2026**

M.Kabilan

..Petitioner(s)

Vs

The State rep.by its, The Inspector of Police,
K-5 Peravallur Police Station,
Peravallur,
Chennai-600 082.
(Cr.No.415/2022)

..Respondent(s)

Criminal Original Petition is filed under Section 528 of B.N.S.S., to
call for records pertaining to Crime No.415/2022 pending on the file of the
respondent and quash the same

For Petitioner(s): Mr.J.Elanjchezhien

For Respondent(s): Mr.S.Santhosh,
Govt. Advocate (Crl.Side)

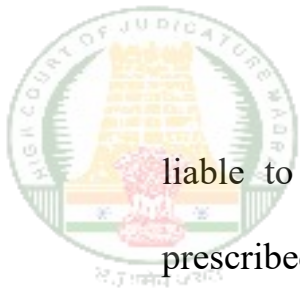


ORDER

This Criminal Original Petition has been filed seeking to quash the First Information Report in Crime No.415 of 2022 on the file of the respondent police.

2. The brief facts of the case are that on 27.10.2022, while the respondent was on duty, the accused persons, in a public place and within public view, without obtaining any prior permission from the competent authorities, erected banners containing symbols and photographs depicting a political party, namely Bharatiya Janata Party and its members. Hence, the aforesaid case in Crime No.415 of 2022 was registered by the respondent Police for the offence punishable under Section 4(1) of the Tamil Nadu Open Places (Prevention of Disfigurement) Act, 1959.

3. The learned counsel for the petitioner submitted that the respondent had registered the case in Crime No.415 of 2022 for the offence punishable under Section 4(1) of the Tamil Nadu Open Places (Prevention of Disfigurement) Act, 1959 which is a non-cognizable and bailable offence. He further submitted that the respondent Police ought to have obtained prior permission under Section 155(2) of the Cr.P.C., before proceeding with the investigation. Since the mandatory procedure has not been followed, the entire investigation is illegal and vitiated in law and therefore, the proceedings are



liable to be quashed. He further contended that the maximum punishment prescribed for the alleged offence is three months and as such, as per Section 468 Cr.P.C., the final report ought to have been filed within a period of one year. However, the final report has not been filed even after the lapse of the statutory period. Consequently, the learned Magistrate is barred from taking cognizance of the offence, and no useful purpose would be served by keeping the First Information Report pending.

4. Heard the learned Government Advocate (Crl.Side) appearing for the respondent and perused the materials available on record.

5. On hearing both sides and on perusal of the records, it is clear that the offence alleged under Section 4(1) of the Tamil Nadu Open Places (Prevention of Disfigurement) Act, is a non-cognizable offence. The respondent police registered the First Information Report and proceeded with the investigation without obtaining prior permission from the Magistrate as required under Section 155(2) of Cr.P.C. Therefore, the investigation is not in accordance with law. Further, the maximum punishment prescribed for the said offence is three months and hence, the final report ought to have been filed within one year, as per Section 468 Cr.P.C. However, final report has not been filed within the statutory period. As a result, the Magistrate is barred from taking cognizance of the offence.



6. In view of the above, continuing the proceedings would serve no useful purpose and would amount to an abuse of process of law. Hence, the First Information Report is liable to be quashed.

7. Accordingly, this Criminal Original Petition is allowed and the First Information Report in Crime No.415 of 2022 on the file of the respondent is hereby quashed. Consequently, connected Miscellaneous Petition is closed.

02-02-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

VKR

To

1.The Inspector of Police,
K-5 Peravallur Police Station,
Peravallur,
Chennai-600 082.

2.The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA, J.

VKR

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