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Crl.O.P.(MD).No.5501 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.03.2026

CORAM:

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

Crl.O.P.(MD).No.5501 of 2026

and

Crl.M.P.(MD).Nos.5971 & 5972 of 2026

1. Dhanush M Kumar
Ex. Member of Indian Parliament @ Tenkasi,
Tenkasi Main Road, Rajapalayam,
Virudhunagar District.
2. Thangapandian
MLA Rajapalayam,
Dhalavaipuram, Virudhunagar District.
3. Ramamoorthy ...Petitioners

Vs.

1. State of Tamil Nadu rep. by its,
The Inspector of Police,
Rajapalayam North Police Station,
Virudhuangar District.
Crime No.247 of 2019.
2. Perumalsamy,
Serving as Assistant Engineer-Highways,
Static Surveillance Team-II,
202-Rajapalayam Assembly Constituency,
Virudhuangar District. ...Respondents

Criminal Original Petition filed under Section 528 of Bharatiya
Nagarik Suraksha Sanhita/Section 482 Cr.P.C., to call for the records



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relating to impugned Charge Sheet in S.T.C.No.1453 of 2021 pending on the file of the Judicial Magistrate Court No.II, Srivilliputhur District and quash the same insofar as the petitioners.

For Petitioners : Ms.Meena

For Respondents : Mr.S.Udayakumar, GA(Crl. Side), for R1

ORDER

This criminal original petition has been filed seeking to quash the proceedings pending against the petitioners in S.T.C.No.1453 of 2021 on the file of the Judicial Magistrate Court No.II, Srivilliputhur.

2. Based on the complaint given by the 2nd respondent alleging that on 16.04.2019 at about 04.55 pm., the petitioners, belonging to a political party, organised an election campaign procession without obtaining prior permission by involving around 100 two-wheelers, in a manner causing disturbance to the public and also fixed their party flags in the said vehicles, thereby, violating the Model Code of Conduct, a case in Crime No.247 of 2019 came to be registered by the 1st respondent-police for the offence under Section 4AA(1a) of the Tamil Nadu Open Places (Prevention of Disfigurement) Act, 1959. After completion of investigation, the final report came to be filed for the aforesaid offence and the same was taken on file by



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the Judicial Magistrate Court No.II, Srivilliputhur in S.T.C.No.1453 of 2021, which is now sought to be quashed.

3. Though very many grounds have been raised, the learned counsel for the petitioners submitted that even as per the impugned charge sheet, the vehicles in question are private vehicles and not those used by a State Transport Undertaking for road transport services as defined under section 2(aa) of the Tamil Nadu Open Places (Prevention of Disfigurement) Act, and therefore, the ingredients of the alleged offence cannot be made out against the petitioners and the entire proceedings is nothing but an abuse of process of law. Hence, on the sole ground, she sought quashment of the impugned proceedings against the petitioners.

4. Per contra, the learned Government Advocate (Crl. Side) appearing for the 1st respondent submitted that the petitioners, without obtaining prior permission, conducted an election campaign procession in front of the Rajapalayam Old Bus Stand and fixed their party flags in their vehicles, which is a clear violation of the Model Code of Conduct.

5. Heard the learned counsel on either side and perused the materials available on record.



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6. For better appreciation, the relevant Sections of the Tamil Nadu Open Places (Prevention of Disfigurement) Act and the Motor Vehicles Act are extracted hereunder:

Tamil Nadu Open Places (Prevention of Disfigurement) Act:

“4AA. Prohibition of pasting of posters and fixing of thatty boards etc. on Motor Vehicles:-

(1) Notwithstanding anything contained in section 3, 3-A, 4 or 4-A, or any other provision of this Act, or any law for the time being in force, no person shall-

(a) affix to, or inscribe or exhibit on, any motor vehicle, any poster or any effigy, or any bill, notice, document, paper or other thing containing any words, signs or visible representations;”

“2. Definitions:-

In this Act, unless the context otherwise requires,-

(a) "Advertisement" includes any effigy or any bill, notice, document, paper or other thing containing any words, signs or visible representations;

(aa) "motor vehicle" means a motor vehicle as defined in clause (28) of section (2) of Motor Vehicles Act, 1988 (Central Act 59 of 1988) and used for road transport service by any State Transport Undertaking;”



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The Motor Vehicles Act:

“2. Definitions. –

....

(28) “motor vehicle” or “vehicle” means any mechanically propelled vehicle adapted for use upon roads whether the power of propulsion is transmitted thereto from an external or internal source and includes a chassis to which a body has not been attached and a trailer; but does not include a vehicle running upon fixed rails or a vehicle of a special type adapted for use only in a factory or in any other enclosed premises or a vehicle having less than four wheels fitted with engine capacity of not exceeding twenty-five cubic centimeters.

7. On a perusal of the above sections, it is evident that Section 4AA(1a) of the said Act prohibits the unauthorized affixing, inscribing, or exhibiting of posters, bills, or other notices on motor vehicles that are used for road transport service by a State Transport Undertaking and it overall aims to prevent the disfigurement of public spaces through unauthorized advertisements.

8. In the instant case, as rightly pointed out by the learned counsel for the petitioners, the vehicles in question are not used for road transport service by any State transport undertaking as defined under Section 2(aa) of

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the Act and they are private vehicles and the said fact is also not disputed by the prosecution. Hence, the offence under the Tamil Nadu Open Places (Prevention of Disfigurement) Act, 1959 will not apply.

9. In the light of the above discussion, the continuation of the proceedings as against the petitioners will amount to abuse of process of Court which require interference of this Court in exercise of its jurisdiction under Section 482 of Cr.P.C.

10. Accordingly, this criminal original petition stands allowed and the impugned proceedings pending in S.T.C.No.1453 of 2021, on the file of the Judicial Magistrate Court No.II, Srivilliputhur, is hereby quashed against the petitioners. Consequently, the connected miscellaneous petitions are closed.

26.03.2026

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Neutral Citation: Yes/No



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To:

1. The Judicial Magistrate No.II,
Srivilliputhur.
2. The Inspector of Police,
Rajapalayam North Police Station,
Virudhuangar District.
3. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA, J.

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