



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-06-2026

WEB COPY

CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 13501 of 2026

and

CRL MP No. 8788 of 2026

1. Kari
2. Bojan
3. Natarajan

..Petitioners

Vs

1. State Represented by,
The Inspector of Police,
Denadu Combai Police Station,
The Nilgiris District.
(Crime No.36 of 2024)
2. Tmt. Mohana
W/o. P.B. Ravi,
Personal Assistant (Backward Classes Welfare),
District Backward Classes Welfare Office,
Collectorate Buildings,
Udhagamandalam,
The Nilgiris District – 643 001.

..Respondents

Prayer: Criminal Original Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 to call for the records pertaining to the Final Report/Charge Sheet No.FR-36 of 2024 dated 21-05-2024 and C.C. No.107 of 2024 on the file of the learned Judicial Magistrate, Udhagamandalam, The Nilgiris District (arising out of Crime No.36 of 2024 of Denadu Combai Police Section) for the alleged offences under Sections 171(C) and 171(F) of the Indian Penal Code, 1860 and quash the same.



WEB COPY

For Petitioners:

Mr. V. Adith Narayan Vijayaraghavan

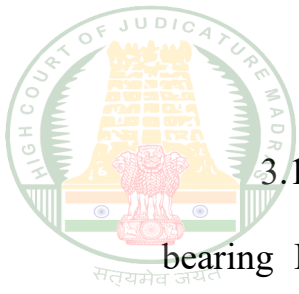
For Respondents:

Mr. R. Rajasekaran,
Counsel for Government of Tamil Nadu
(Criminal Side) for R1**ORDER**

This Criminal Original Petition has been filed to call for the records pertaining to the Final Report/Charge Sheet No.FR-36 of 2024, dated 21.05.2024 and C.C. No. 107 of 2024 on the file of the Judicial Magistrate, Udhagamandalam, The Nilgiris District (arising out of Crime No.36 of 2024 of Denadu Combai Police Section) for the alleged offences under Sections 171(C) and 171(F) of the Indian Penal Code, 1860 and to quash the same.

2. The petitioners who are accused in C.C.No. 107 of 2024 and are facing trial for the offences under Sections 171(C) and 171(F) of the IPC, have filed this quash petition.

3. The contention of the petitioners is that they are senior citizens, agriculturist and residents of the Nilgiris Hills engaged in small-scale farming. The 2nd petitioner, aged about 81 years, was, at the relevant time, the President of the Malai Maavatta Siru Vivasayigal Nala Sangam, a registered association of small farmers in the Nilgiris District. The 1st petitioner was the driver of the association, while the 3rd petitioner and A4 are members of the association.



WEB COPY

3.1. On 04.04.2024, the petitioners were travelling together in a vehicle bearing Registration No. TN 43 K 3204, in which printed notices of the association were found. The said notices had been printed in the ordinary course of the functioning of the association. The petitioners contend that they were never informed that the carrying or distribution of such notices was prohibited under any law and that they were not found distributing the notices to any voter.

3.2. It is their further contention that the Flying Squad at Idduhatti intercepted the vehicle, seized the pamphlets and lodged a complaint, pursuant to which FIR in Crime No. 36 of 2024 was registered on 12.04.2024. Thereafter, upon completion of investigation, a charge sheet was filed before the trial Court listing five witnesses and the seized pamphlets.

3.3. The learned counsel for the petitioners, referring to Section 171(C) (3) of the IPC, submitted that a declaration of public policy or a promise of public action, made in the exercise of a legal right and without any intent to interfere with an electoral right, would not amount to undue influence within the meaning of the said provision.

3.4. The learned counsel further submitted that the parliamentary election was held on 04.04.2024 and that the petitioners were never found near any polling booth. According to the prosecution, the petitioners' vehicle was intercepted at about 6.46 p.m., after the polling hours had ended. Therefore, there was no attempt on the part of the petitioners to obstruct or interfere with the electoral process.



3.5. The learned counsel further submitted that the statements of the listed witnesses also confirm that the interception of the vehicle and seizure of the pamphlets took place at about 6.46 p.m., much after the polling hours. On a bare reading of the pamphlet, it could be seen that the farmers' association had convened a meeting on 07.03.2024 and passed a resolution highlighting the grievances of small farmers, including the stagnant purchase price of green tea leaves and the absence of restrictions on sales to small vendors.

3.6. It was further submitted that, although the resolution contained a call for boycott of the election, there is no complaint from any voter alleging that the petitioners had obstructed, coerced or compelled any voter to boycott the election. In such circumstances, the mere apprehension that the pamphlet might influence voters would not justify the initiation of criminal proceedings.

4. The learned Government Advocate appearing for the 1st respondent submitted that the District Election Officer, by proceedings in R.C.No.L1/1791/2023 dated 21.03.2024, had constituted a Flying Squad and issued instructions in accordance with the directions of the Election Commission of India. The Flying Squad was entrusted with the responsibility of monitoring compliance with the Model Code of Conduct, attending to complaints relating to threat, intimidation, movement of anti-social elements, liquor, arms and ammunition and large sums of cash for the purpose of bribing of electors and further to keep the note of election expenditure incurred by the



candidates and videographing major rallies and public meetings.

4.1. It was further submitted that, while discharging its duties, the Flying Squad listing LW1 to LW5, intercepted the petitioners' vehicle on 12.04.2024 on suspicion and seized 91 pamphlets found therein. Based on the same, a case was registered and upon completion of investigation, a charge sheet was filed.

4.2. The learned Government Advocate further submitted that the heading of the pamphlet called for a boycott of the parliamentary election, thereby disclosing the intention of the petitioners to promote a boycott of the General Election, which attracts the offence under Section 171(C) IPC. Hence, he prayed for dismissal of the petition.

5. Considering the rival submissions and upon perusal of the materials available on record, it is seen that the petitioners' vehicle was intercepted and 91 pamphlets were seized therefrom at about 6.46 p.m. It is further seen that the petitioners were not found near any polling booth or engaged in any election related activity. The petitioners belong to an agriculturists' association. A perusal of the pamphlet reveals that a General Body Meeting of the association was held on 07.03.2024, wherein a resolution was passed demanding an increase in the minimum procurement price of green tea leaves, which had remained at Rs.200/- since 1977. It is not the case of the prosecution that the petitioners were found distributing the pamphlets or obstructing the electoral process in any manner. From the statements and materials collected during the



investigation, it appears that the act attributed to the petitioners falls within the ambit of Section 171(C)(3) IPC, being merely a declaration made in the exercise of a legal right, without any intention to interfere with any electoral right.

6. Thus, on a consideration of the complaint, witness statements and other materials as a whole, this Court is of the view that no case is made out against the petitioners. Accordingly, the proceedings in C.C.No.107 of 2024 is liable to be quashed.

7. In the result, this Criminal Original Petition is allowed and the proceedings in C.C.No.107 of 2024 on the file of the Judicial Magistrate, Udthagamandalam, are hereby quashed. Consequently, connected miscellaneous petition is closed.

01-06-2026

Neutral Citation: Yes/No
AT

To

1.The Judicial Magistrate, Udthagamandalam.

2.The Inspector of Police,
Denadu Combai Police Station,
The Nilgiris District.

3.The Public Prosecutor,
High Court of Madras.



WEB COPY

CRL OP No. 13501 of 2



M.NIRMAL KUMAR, J.

AT

CRL OP No. 13501 of 2026 and
CRL MP No. 8788 of 2026

01-06-2026