



Crl.O.P.(MD)No.1851 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 09/02/2026

CORAM

THE HONOURABLE MRS. JUSTICE L. VICTORIA GOWRI

CRL OP(MD). No.2500 of 2026

AND

CRL MP(MD). No.2769 of 2026

1. Rajiv Gandhi

2. Seetha

... Petitioners/Accused Nos.1&2

Vs

1. State of Tamilnadu Rep by
The Inspector of Police,
Perumalpuram Police Station,
Tirunelveli City,
Tirunelveli District.
(Crime No.74/2025).

... 1st Respondent/Complainant

2. Selvaraj

... 2nd Respondent/Defacto
Complainant

PRAYER :-

To call for the records in Crime No.74 of 2025 on the file of
1st respondent police and quash the same as against the petitioners herein.

For Petitioners : Mr.P.T.Ramesh Raja,
Advocate.

For Respondent : M.Sakthi Kumar,
Government Advocate (Crl.Side)



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ORDER

This petition has been filed to quash the impugned FIR in Crime No.74 of 2025 on the file of first respondent police.

2. Considering the nature of the relief sought for, notice to the 2nd respondent is dispensed with.

3. At the instance of the defacto complainant, first information report in Crime No.74 of 2025 was registered as against the petitioners for the offenses under Section 132 BNS, 2023 and 4(1) of Tamil Nadu Open Places (Prevention of Disfigurement) Act, 1959.

4. The case of the prosecution is that the defacto complainant is working as a supervisor in a TASMACH shop. On 20.03.2025, at about 05:30 PM, while the defacto complainant and other staff members were engaged in their official duties, the petitioners along with eight others, who are alleged to be the members of one of the political party came near the TASMACH shop and attempted to paste the photograph of the Hon'ble Chief Minister of Tamil Nadu. It is further alleged that when one Ramar Pandi, a salesman, attempted to prevent the same, the petitioners and others asked him to continue his work. On



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the basis of the said allegations, present First Information Report was filed for the aforesaid offence.

5. The learned counsel for the petitioners categorically contended that Section 132 of BNS, 2023 and Section 4(1) of Tamil Nadu Open Places (Prevention of Disfigurement) Act, 1959, will not be made out in the facts and circumstances of the case. For which, he relied upon the judgment of the Hon'ble Supreme Court in the case of ***Manik Taneja & Another Vs. State of Karnatka & Another*** reported in ***2015 AIR SCW 948*** and submitted that affixing the post of the Hon'ble Chief Minister in a TASMACH shop would not terms as disfigurement. There is no allegation that the petitioners prevented the salesman from discharging his official duties. The FIR itself states that the petitioners asked the salesman to continue his work. This clearly demonstrates that there was no obstruction, prevention, assault, or use of criminal force, which are the essential ingredients to attract the Section 132 of BNS, 2023.

6. Insofar as Section 4(1) of Tamil Nadu Open Places (Prevention of Disfigurement) Act, 1959, is concerned, the essential requirement is making an advertisement in an open place without the written consent of the owner. As per the admitted case of the prosecution, the petitioners did not make or exhibit any



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advertisment, but they have pasted the photo of the Hon'ble Chief Minister of Tamil Nadu, which can never be termed as disfigurement of open place. The alleged act of attempting to display a photograph inside or near a Government run TASMAL premises does not attract the provisions of the said Act, and invocation of Section 4(1) of Tamil Nadu Open Places (Prevention of Disfigurement) Act, 1959, is wholly misconceived and unsustainable in law. Hence, he sought the indulgence of this Court.

7. The learned Government Advocate (Crl.Side) appearing for the first respondent police appearing for the first respondent police categorically contended that affixing the post of the Hon'ble Chief Minister in a TASMAL shop will hinder the sales of the TASMAL shop and hence, he sought for dismissal of this petition.

8. Heard both sides and perused the materials available on record.

9. Section 132 of BNS, 2023 is extracted hereunder:-

“132. Assault or criminal force to deter public servant from discharge of his duty.—Whoever assaults or uses criminal force to any person being a public servant in the execution of his duty as such public servant, or with intent to prevent or deter



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that person from discharging his duty as such public servant, or in consequence of anything done or attempted to be done by such person in the lawful discharge of his duty as such public servant, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.”

10. A careful reading of the provision under Section 132 of BNS, 2023, shows that the accused person should have assaulted the public servant or used criminal force with the intention to prevent the public servant from discharging his duty as a public servant. However, in the instant case, the petitioners have actually dictated terms to look after their work. They have never hindered the sales. On the other hand, only as a mark of protest and requiring full prohibition as a policy in the State of Tamil Nadu, the Women's Wing of the particular political party had pasted the wall post in the TASMACH shop.

11. This Court is of the considered view that affixing of photo of the Hon'ble Chief Minister of Tamil Nadu will not disfigure the TASMACH shop by any means. Hence, the offence under Section 4(1) of Tamil Nadu Open Places (Prevention of Disfigurement) Act, 1959, will also be not attracted. Hence, the impugned FIR against the petitioners herein are liable to be quashed.



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12. Accordingly, the Criminal Original Petition is allowed and the impugned FIR in Crime No.74 of 2025 on the file of first respondent police, is hereby quashed. Consequently, connected miscellaneous petition is closed.

09.02.2026

NCC : Yes / No
Index : Yes / No
dss

TO

1. The Inspector of Police,
Perumalpuram Police Station,
Tirunelveli City,
Tirunelveli District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L. VICTORIA GOWRI,J

DSS

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