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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.02.2026

CORAM:

THE HONOURABLE **MRS.JUSTICE L.VICTORIA GOWRI**

Crl.O.P.(MD)No.3257 of 2026

and

Crl.MP(MD)No.3527 of 2026

Nallakannu

... Petitioner/Accused No.3

Vs.

1.The State of Tamil Nadu rep by,
The Inspector of Police,
Nanguneri Police Station,
Tirunelveli District.
(Crime No.43 of 2024)

... Respondent/Complainant

2.Mrs.Deepa
The Sub-Inspector of Police,
Nanguneri Police Station,
Tirunelveli District.

... Respondent/Defacto
Ccomplainant

PRAYER : Petition filed under Section 528 of BNSS, 2023, to call for the records pertaining to the FIR in Crime No.43 of 2024 on the file of the Inspector of Police, Nanguneri Police Station, Tirunelveli District, and quash the same.

For Petitioner : Mr.S.Sathyachidambaram

For R1 : Mr.M.Sakthi Kumar

Government Advocate (Crl.Side)



ORDER

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This Criminal Original Petition has been filed to quash the FIR in Crime No.43 of 2024 on the file of the Inspector of Police, Nanguneri Police Station, Tirunelveli District.

2. The learned counsel for the petitioner submitted that the petitioner is the third accused in Crime No.43 of 2024. At the instance of the 2nd respondent, the first information report in Crime No.43 of 2024 was registered for the offence under Section 4A(1)(a) of the Tamil Nadu Open Places (Prevention of Disfigurement) Act, 1959.

3. The case of the prosecution is that on 28.01.2024, during routine patrol duty, the respondent police found a flex board installed near Ettam Mandakapadi at Nanguneri, which was erected without obtaining valid permission from the competent authority. In this regard, a complaint was lodged by the 2nd respondent on the basis of which Crime No.43 of 2024 came to be registered as against 5 persons, including the petitioner. However, the petitioner is in no way connected with this erection of the said flex board and he has been falsely implicated by the respondent police. Only for the reason that the petitioner's photo was displayed in the said flex board, he was implicated by the respondent police.



4. The learned counsel for the petitioner further pointed out that the punishment prescribed for the same happens is only three months. Now, even after a lapse of 3 months from 28.01.2024, final report has not been filed and hence, sought the indulgence of this Court to quash the First Information Report.

5. The learned Government Advocate (Crl.Side) submitted that the final report was filed before the jurisdictional Magistrate on 16.02.2026.

6. Heard both sides and carefully perused the materials available on record.

7. Having not taken diligent steps to file a final report immediately within three months from 28.01.2024, filing of final report belatedly after a lapse of two years is nothing but a clear abuse of process of law. Criminal law cannot be permitted to be used as a tool for allowing the prosecution to continue with the FIR, no fruitful purpose except subjecting the petitioner to harassment. That apart, Section 514(2)(b) of BNSS, 2023 is a clear bar for the respondent police to file a final report in the absence of a special permission sought for to file a final report before the judicial magistrate. The learned



Government Advocate (Crl.Side) fairly considered that no such permission has been obtained.

8. In view of the same, FIR in Crime No.43 of 2024 on the file of the Inspector of Police, Nanguneri Police Station, Tirunelveli District, is hereby quashed and the Criminal Original Petition is allowed and consequently, the connected miscellaneous petition is closed.

17.02.2026

NCC : Yes / No
Index : Yes / No
dss

To:-

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



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L.VICTORIA GOWRI, J.

dss

Order made in
Crl.O.P.(MD)No.3257 of 2026
and
Crl.MP(MD)No.3527 of 2026

Dated
17.02.2026