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Crl.O.P.(MD).No.4599 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.03.2026

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

Crl.O.P(MD)No.4599 of 2026

and

Crl.M.P(MD) Nos.4887 and 4888 of 2026

Pugalenthi @ Kavi

... Petitioner
Sole Accused

Vs.

1.The State,
Represented by its,
The Inspector of Police,
Nainarkovil Police Station,
Ramanathapuram District,
(Crime No.8 of 2024)

... 1st Respondent/
Complainant

2.T.Sutharsan
Sub – Inspector of Police,
Nainarkovil Police Station,
Ramanathapuram District.

... 2nd Respondent/
De-facto Complainant

PRAYER : Criminal Original Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the entire records in relating to the impugned charge sheet in S.T.C.No.177 of 2025 on the file of the Judicial Magistrate Court, Paramakudi and to quash the same.



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For Petitioner : Mr.M.S.Jeyakarthik

For R1 : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor

ORDER

The present Criminal Original Petition has been filed seeking to quash the charge sheet in S.T.C.No.177 of 2025 on the file of the Judicial Magistrate Court, Paramakudi.

2. A perusal of the charge sheet reveals that the petitioner is alleged to have put up flex boards to celebrate the marriage of his relative. The said flex boards were put up without permission of the authorities in order to celebrate the marriage of your family members and the said flex boards had obstructed the cameras put up by the police officials.

3. According to the learned counsel appearing for the petitioner, the flex boards have not been seized and there is no specific allegation as against the petitioner and the authorities have not stated about the place of occurrence. He relied upon the decision of this Court in ***Crl.O.P.No.29104 of 2022, dated 28.11.2022, in (Siyabudheen Vs. State represented by its The***



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Sub-Inspector of Police, Gudalur Police Station, Nilgiris) wherein, in similar circumstances, this Court has held in paragraph Nos.4 to 6 are as follows:

4. A perusal of records revealed that the respondent is not a competent person to lodge a complaint under Sections 4A(1a) and 4B of the Tamil Nadu Open Places (Prevention of Disfigurement) Act, 1959. It is relevant to extract the provisions of Section 4 of Tamil Nadu Open Places (Prevention of Disfigurement) Act, 1959

“4. Penalty for unauthorised disfigurement by advertisements:~

Whoever affixes to, or inscribes or exhibits on, any place open to public view any advertisement without the written consent of the owner or occupier or person in management of the property in which such place is situated shall be punished with imprisonment of either description for a term which may extend to three months or with fine which may extend to two hundred rupees, or with both“.

5. Admittedly, the respondent is neither the owner or the occupier or the person in management of the alleged property nor the competent person to initiate criminal prosecution. Further, the entire complaint is vague since the respondent failed to satisfy about the place of occurrence and no specific



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allegations are as against the petitioner. That apart, there was no seizure of the poster. Without any materials, the respondent mechanically filed a final report. Therefore, the final report filed by the respondent cannot be sustained as against the petitioner.

6. In view of the above, the proceedings in S.T.C.No.703 of 2021 on the file of the learned Judicial Magistrate, Gudalur, is hereby quashed. Accordingly, this Criminal Original Petition stands allowed. Consequently, connected miscellaneous petitions are closed.

4. The learned counsel appearing for the petitioner has also relied upon the decision of this Court in CrI.O.P(MD) No.19631 of 2025, dated 11.11.2025 in ***(Dharmalingaraj and another Vs.State of Tamil Nadu, Rep by Inspector of Police, Sattur Town Police Station, Virudhunagar District).***

Paragraph No.7 is held as follows:

7. Further, in the absence of any material to show that the materials seized from the petitioner are Explosives and no independent witnesses have been examined, this Court is of the view that grave prejudice has been caused to the petitioner in the



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facts of the case since the complainant and the Investigating Officer are the same person. Therefore, the impugned final report is liable to be quashed for both of these reasons.

5. According to the learned counsel appearing for the petitioner, the complainant as well as the investigating officer are one and the same and he has relied upon the judgement in Crl.O.P(MD) No.19631 of 2025, dated 11.11.2025 in (***Dharmalingaraj and another Vs. State of Tamil Nadu, Rep by Inspector of Police, Sattur Town Police Station, Virudhunagar District***).

6. In view of the above said facts, it is clear that the respondent is neither the owner or the occupier or the person in management of the alleged property nor the competent person to initiate criminal prosecution. The allegation as against the petitioner is clearly vague and continuation of proceedings would cause great prejudice to the petitioner.



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7. With the above said observations, this Criminal Original Petition stands allowed and the charge sheet in S.T.C.No.177 of 2025 on the file of the Judicial Magistrate Court, Paramakudi, is quashed. Consequently connected Miscellaneous Petitions are closed.

02.03.2026

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To

- 1.The Inspector of Police,
Nainarkovil Police Station,
Ramanathapuram District,
2. The Judicial Magistrate Court,
Paramakudi.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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R.VIJAYAKUMAR,J.

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