



Crl OP(MD).No.8871 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.06.2026

CORAM

THE HONOURABLE MR JUSTICE R.VIJAYAKUMAR

**Crl. OP(MD).No.8871 of 2026
and Crl.MP(MD).Nos.9444 and 9446 of 2026**

Antony Michel

....Petitioner/Accused

Vs

1.The State of Tamil Nadu Represented by
The Inspector of Police, Thuckalay
Crime No.227 of 2024

....1st Respondent/Complainant

2.Bharathi
Deputy Thasildar
District Collector Office Nagercoil
Flying Squard Vml Team-1
Padmanabhapuram Assembly Constituency ...2nd Respondent/Defacto
Complainant

Prayer: This petition has been filed under Section 528 Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, to call for the entire records pertains to the impugned charge sheet in S.T.C.No.1651 of 2025 in Crime No.227 of 2024 on the file of the Judicial Magistrate No.I, Padmanabhapuram and quash the same insofar as the petitioner/accused herein concerned.



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For Petitioner

: Mr.Ananth

For Respondents

:Mr.P.Samuel Gunasingh
Counsel for State of Tamil Nadu (Crl.Side)
for R1

ORDER

The present petition has been filed by the accused person in S.C.No. 1651 of 2025 on the file of the Judicial Magistrate Court No.1, Padmanabhapuram seeking to quash the charge sheet wherein he charged with the offence under Section 4AA(1) and 4B of Tamil Nadu Open Places (Prevention of Disfigurement) Act, 1959 read with Section 127 A(1) of Representation of people Act, 1951.

2.It could be seen from the charge sheet that the petitioner contested as an independent candidate from Padmanabhapuram constituency for the parliamentary election in the year 2024. When his car was searched, they found his photographs and some pamphlets with election symbol. According to the charge sheet, the pamphlets did not contain Election Commission permission or name or the phone number of the press.

3.According to the learned counsel appearing for the petitioner, as an independent candidate, there is nothing wrong in having his photographs or pamphlets meant for electioneering.



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4.Heard the learned counsel appearing for the petitioner and perused the material records.

5.The charge sheet reveals that the petitioner is an independent candidate to contest in the parliamentary election of the year 2024. He was carrying his photographs and some election pamphlets in his car. In such circumstances, the Tamil Nadu Open Places (Prevention of Disfigurement) Act, 1959 would not get attracted especially when the pamphlets and photographs are found in the car of the petitioner. Merely because name or phone number of the person not being printed, the provisions of Representation of the People Act, 1951 would not get attracted.

6.In view of the above said facts, continuation of the criminal proceedings only be an abuse of process of law. Therefore, the charge sheet in S.T.C.No.1651 of 2925 on the file of the Judicial Magistrate No.I, Padmanabhapuram stands quashed and this Criminal Original Petition stands allowed. Consequently, connected miscellaneous petitions are closed.

01.06.2026.

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

1. The Judicial Magistrate No.I, Padmanabhapuram

2The Inspector of Police,
State of Tamil Nadu
Thuckalay
Crime No.227 of 2024

3.The Additional Public Prosecutor
Madurai Bench of Madras High Court
Madurai



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R.VIJAYAKUMAR, J.

msa

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