



Crl.OP(MD)No.19686 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 27.02.2026

PRONOUNCED ON : 01.06.2026

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.O.P.(MD).No.19686 of 2024

and

Crl.M.P.(MD)Nos.12124 and 12126 of 2024

1.Ilambaruthi @ Elamparithi

2.Rajeswaran

... Petitioner/Accused No.2 & 3

Vs.

1. The State of Tamilnadu,
Rep by. the Inspector of Police,
Chatrakudi Police Station,
Ramanathapuram District.
Crime No.210 of 2020.

.... Respondent No.1 /
Complainant

2. Chellammal

.... Respondent No.2 /
Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records relating to the Charge sheet filed in S.T.C.No.254 of 2022 pending on the file of the learned Judicial



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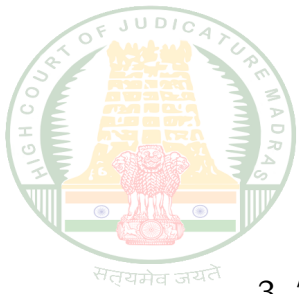
Magistrate Court, Paramakudi and quash the same as illegal in so far as the petitioners are concerned.

For Petitioners : Mr.R.Ramanujam,
For M/s. Gandhi Associates
For R-1 : Mr.B.Thanga Aravindh,
Government Advocate (Crl. side)

ORDER

Criminal Original Petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records relating to the charge sheet in **S.T.C.No.254 of 2022**, pending on the file of the learned Judicial Magistrate, Paramakudi, and to quash the same as against the petitioners.

2. The inherent jurisdiction of this Court under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, is invoked by the petitioners, who are arrayed as A-2 and A-3 in S.T.C.No.254 of 2022 on the file of the learned Judicial Magistrate, Paramakudi. The petitioners seek quashment of the final report laid against them for the alleged offences under Section 506(i) IPC and Section 4-A(1)(a) of the Tamil Nadu Open Places (Prevention of Disfigurement) Act, 1959.



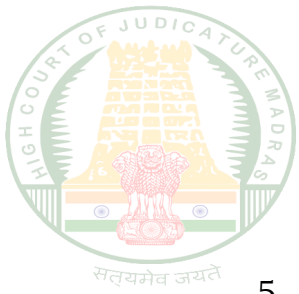
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3. The grievance of the petitioners is that the prosecution, even if accepted in its entirety, does not disclose the basic ingredients of either of the offences alleged. Their principal contention is that Section 4-A of the Tamil Nadu Open Places (Prevention of Disfigurement) Act, 1959, is attracted only to “local areas” defined under the said provision, namely Municipal Corporations and Municipalities, and cannot be mechanically extended to a village panchayat area. The second limb of attack is that the allegation of criminal intimidation is bald, vague and bereft of the essential ingredient of alarm.

Case of the Prosecution:

4. The second respondent / *de facto* complainant is stated to be the Block Development Officer of Bogalur Panchayat Union. According to the prosecution, she received a communication from the President of Muthuvayal Village Panchayat alleging that one K.R.Velu had erected a name board on Government poramboke land situated at Muthuvayal Village on 30.07.2020 and that the said board was removed by the authorities.



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5. It is further alleged that on 24.08.2020, the said K.R.Velu, along with the present petitioners, once again erected a name board in the Government poramboke land. It is also alleged that the President of Muthuvayal Village Panchayat was threatened with dire consequences. Based on the letter said to have been sent by the Panchayat President, the second respondent forwarded a communication to the first respondent police requesting action. Thereupon, the first respondent registered a case in Crime No.210 of 2020 for the offences under Section 506(i) IPC and Section 4-A(1)(a) of the Tamil Nadu Open Places (Prevention of Disfigurement) Act, 1959.

6. After completion of investigation, the first respondent police filed a final report, which was taken cognizance in S.T.C.No.254 of 2022 by the learned Judicial Magistrate, Paramakudi, as against K.R.Velu and the present petitioners.



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Grounds for Quash:
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7. The petitioners seek quashment of the proceedings primarily on the following grounds:

7.1. Firstly, Section 4-A of the Tamil Nadu Open Places (Prevention of Disfigurement) Act, 1959, applies only to the “local area” defined in Explanation I to Section 4-A. The said Explanation restricts the operation of Section 4-A to the cities of Chennai, Madurai and Coimbatore, any other Municipal Corporation, and any Municipality constituted under the Tamil Nadu District Municipalities Act, 1920. The place of alleged occurrence is admittedly Muthuvayal Village Panchayat, which is neither a Municipal Corporation nor a Municipality. Therefore, according to the petitioners, Section 4-A cannot be invoked in respect of an alleged act committed in a village panchayat.

7.2. Secondly, the allegation under Section 506 IPC is wholly vague. There is no specific overt act attributed to the petitioners. The final report does not disclose the words allegedly uttered, the nature



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of threat, the person to whom the threat was directly administered, or the manner in which such threat caused alarm.

7.3. Thirdly, the complaint was not directly lodged by the alleged person threatened. The allegation is routed through a letter from the Panchayat President to the Block Development Officer, and thereafter from the Block Development Officer to the police. Such delayed and indirect narration, according to the petitioners, does not satisfy the statutory requirement of criminal intimidation.

7.4. Fourthly, even if the entire prosecution case is accepted at its face value, the ingredients of Section 506 IPC and Section 4-A(1) (a) of the Act are not made out. Hence, the continuation of the prosecution would amount to abuse of process of Court.

7.5. The petitioners rely upon the principles laid down in **State of Haryana v. Bhajan Lal**¹, and the decision of this Court in

¹ 1992 Supp(1) SCC 335



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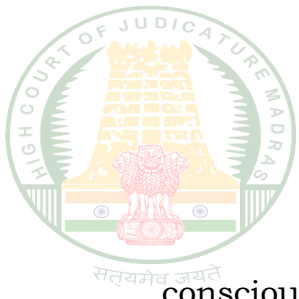
Jeevanantham and others v. State and others,², to contend that the final report deserves to be quashed.

Arguments on either side:

8. The learned counsel appearing for the petitioners submitted that the very foundation of the prosecution is legally unsustainable. It was contended that Section 4-A of the Tamil Nadu Open Places (Prevention of Disfigurement) Act, 1959, cannot be applied to a village panchayat area.

9. The learned counsel drew the attention of this Court to Explanation I to Section 4-A, which defines “local area” as the area within the limits of the City of Chennai, the City of Madurai, the City of Coimbatore, any other Municipal Corporation, or any Municipality constituted under the Tamil Nadu District Municipalities Act, 1920.

10. It was submitted that a village panchayat is conspicuously absent from the statutory definition. Therefore, the legislature having
2 2018 (2) L.W. (CrI.) 606



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consciously restricted the operation of Section 4-A to Municipal Corporations and Municipalities, the police cannot enlarge the scope of the provision by including panchayat areas.

11. The learned counsel further submitted that the allegation of erection of a name board, even if taken as true, does not fall within the mischief of Section 4-A(1)(a), particularly when the alleged place is situated in a village panchayat.

12. As regards Section 506 IPC, it was contended that mere use of the expression “threatened with dire consequences” would not constitute criminal intimidation. The final report does not disclose any real threat intended to cause alarm. There is no material to show that the alleged threat created fear in the mind of the person threatened.

13. The learned counsel submitted that the prosecution is maliciously instituted and is squarely covered by the illustrative



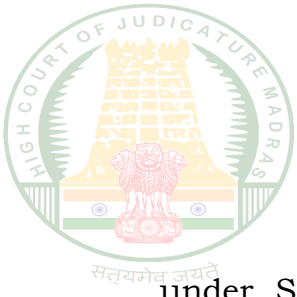
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categories in ***State of Haryana v. Bhajan Lal***³, particularly where the allegations do not constitute any offence even if taken at their face value, and where the proceedings are manifestly attended with mala fides.

14. Per contra, the learned Government Advocate (Criminal Side) appearing for the first respondent submitted that the petitioners, along with the other accused, had erected a name board on Government poramboke land despite the earlier removal of the board by the authorities. It was submitted that such conduct would disclose defiance of lawful authority and would *prima facie* attract the provisions invoked by the prosecution.

15. The learned Government Advocate further submitted that the question whether the petitioners had threatened the Panchayat President and whether such threat amounted to criminal intimidation are matters to be tested only during trial. It was therefore contended that this Court, while exercising jurisdiction

³ 1992 Supp(1) SCC 335



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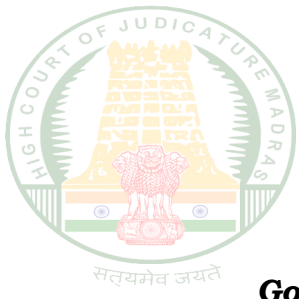
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under Section 528 BNSS, ought not to undertake a meticulous appreciation of facts or embark upon an enquiry as to the sufficiency of evidence.

16. Heard the learned counsels on either side and carefully perused the materials available on record.

Point for Consideration:

17. The point that arises for consideration is whether the final report in S.T.C.No.254 of 2022, insofar as it relates to the petitioners / A-2 and A-3, discloses the essential ingredients of the offences under Section 506 IPC and Section 4-A(1)(a) of the Tamil Nadu Open Places (Prevention of Disfigurement) Act, 1959, and whether continuation of the proceedings would amount to abuse of process of Court?



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Governing Legal Principles:

18. The power of quashment is to be exercised sparingly, with circumspection and in the rarest of rare cases. However, where the allegations in the final report, even if accepted in their entirety, do not constitute the offence alleged, the High Court would be justified in interdicting the criminal proceedings.

19. In ***State of Haryana v. Bhajan Lal***⁴, the Hon'ble Supreme Court has illustratively catalogued circumstances in which criminal proceedings may be quashed. One such category is where the allegations made in the FIR or complaint, even if taken at face value, do not *prima facie* constitute any offence. Another category is where the proceeding is manifestly attended with mala fides or instituted maliciously with an ulterior motive.

20. In final report quash matters, the Court does not conduct a roving enquiry into the truthfulness of the allegations. However, the Court is duty-bound to examine whether the statutory ingredients of

⁴ 1992 Supp(1) SCC 335



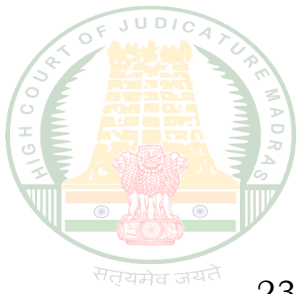
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the alleged offences are disclosed from the materials collected by the
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prosecution.

Analysis:

21. Section 4-A of the Tamil Nadu Open Places (Prevention of Disfigurement) Act, 1959, prohibits, notwithstanding anything contained in Sections 3, 3-A or 4 or any other provision of the Act, the affixture, inscription or exhibition of posters, effigies, bills, notices, documents, papers or other things containing words, signs or visible representations in any place open to public view in any “local area”.

22. Clause (b) of Section 4-A(1) further prohibits putting up or fixing any thatty board or board supported on or attached to any post, pole, standard, framework or other support wholly or in part upon or over any land, building, wall or structure.

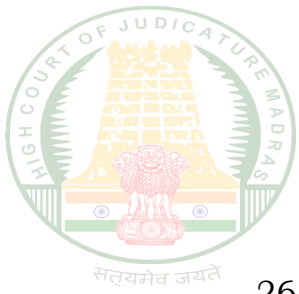


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23. The significance of the expression “local area” cannot be ignored. Explanation I to Section 4-A specifically defines “local area” to mean the area within the limits of Chennai City, Madurai City, Coimbatore City, any other Municipal Corporation, or any Municipality constituted under the Tamil Nadu District Municipalities Act, 1920.

24. Explanation II defines “local authority” to mean the Municipal Corporation of Chennai, Madurai, Coimbatore, any other Municipal Corporation, or any Municipality constituted under the Tamil Nadu District Municipalities Act, 1920.

25. Thus, the statutory definition is exhaustive and not illustrative. A village panchayat does not find place in either Explanation I or Explanation II. When the legislature has specifically identified the territorial areas to which the provision applies, the Court cannot, by interpretative expansion, include village panchayats within the sweep of the provision.



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26. In the present case, the prosecution itself proceeds on the footing that the alleged name board was erected in Government poramboke land situated at Muthuvayal Village, within the jurisdiction of Muthuvayal Village Panchayat. It is not the prosecution case that the place of occurrence falls within a Municipality or Municipal Corporation. Therefore, the very invocation of Section 4-A(1)(a) of the Tamil Nadu Open Places (Prevention of Disfigurement) Act, 1959, is legally unsustainable.

27. The decision in ***Jeevanantham and others v. State and others***,⁵, also supports the proposition that Section 4-A cannot be mechanically invoked in respect of areas not covered by the statutory definition of “local area”.

28. Once the territorial applicability of the penal provision itself is absent, the prosecution under Section 4-A cannot be permitted to continue merely on the allegation that a board was erected in Government poramboke land. If the act complained of amounts to encroachment or unauthorised occupation of Government land, the
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competent authority may proceed in accordance with the appropriate revenue or local body law. But the penal provision under Section 4-A cannot be pressed into service in a village panchayat area.

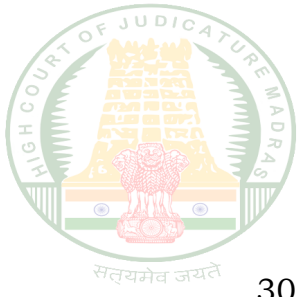
29. Section 506 IPC provides punishment for criminal intimidation. The offence of criminal intimidation is defined under Section 503 IPC. To constitute criminal intimidation, there must be a threat to cause injury to the person, reputation or property of another, with intent to cause alarm to that person, or to cause that person to do any act which he is not legally bound to do, or omit to do any act which he is legally entitled to do. Thus, the essential ingredients are:

(i) there must be a threat;

(ii) the threat must be to cause injury to person, reputation or property;

(iii) the threat must be made with intent to cause alarm; and

(iv) such threat must be real and not a mere casual expression.

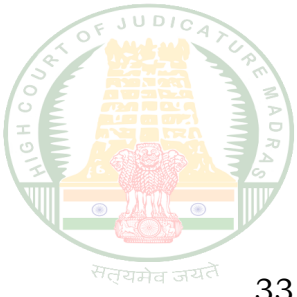


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30. In the present case, the final report merely alleges that the petitioners threatened the Panchayat President with dire consequences. The actual words said to have been uttered are not stated. The specific role of each petitioner is not set out. There is no averment as to how the alleged threat caused alarm to the Panchayat President.

31. The complaint was not given directly by the person allegedly threatened. The Panchayat President is said to have sent a letter to the second respondent / Block Development Officer, who in turn forwarded a letter to the police. The allegation of threat is thus indirect and general.

32. The expression “threatened with dire consequences”, without particulars, cannot by itself constitute criminal intimidation. Criminal law cannot be set in motion on vague, omnibus and formulaic allegations. The offence under Section 506 IPC requires something more than a general allegation of threat.

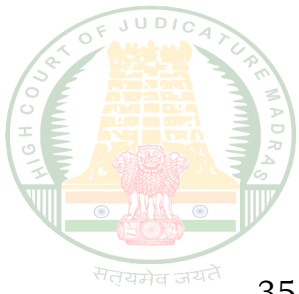


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33. The final report does not disclose that the alleged threat was of such a nature as to cause alarm in the mind of the person threatened. It also does not disclose that the petitioners intended to compel the Panchayat President to do or omit to do any act. Therefore, the basic ingredients of Section 506 IPC are not made out against the petitioners.

34. The petitioners are arrayed as A-2 and A-3. The gravamen of the prosecution case appears to be directed primarily against A-1, namely K.R.Velu, who is said to have erected the name board initially on 23.07.2020 and again on 24.08.2020. As against the present petitioners, the final report does not disclose any specific, independent and overt act, except stating that they were also present or associated with the alleged erection of the board. Criminal liability cannot be fastened on vague association unless the statute creates such liability or the materials disclose common intention or active participation.



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35. In the absence of legally admissible and specific allegations satisfying the ingredients of the offences invoked, compelling the petitioners to face trial would only result in needless harassment.

36. In a final report quash matter, the Court is entitled to examine whether the materials collected during investigation disclose the commission of the offences alleged. Such scrutiny is not an appreciation of evidence, but a jurisdictional examination of the legal sustainability of the prosecution.

37. As regards Section 4-A(1)(a) of the Tamil Nadu Open Places Act, the prosecution fails on the threshold requirement of territorial applicability. The alleged occurrence is in a village panchayat, which is outside the statutory meaning of “local area”.

38. As regards Section 506 IPC, the prosecution fails on the ingredient of criminal intimidation. There is no specific threat, no particulars of words uttered, no material showing alarm, and no specific overt act attributable to the petitioners. Therefore, even if the



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made out.

prosecution case is taken at its highest, the offences alleged are not

39. The present case squarely falls within the category where the allegations made in the final report, even if taken at face value, do not constitute the offences alleged. The continuation of prosecution in such circumstances would not advance the cause of justice. On the contrary, it would amount to permitting a criminal trial to proceed where the statutory foundation itself is absent. The inherent power of this Court exists precisely to prevent such abuse of process and to secure the ends of justice.

Epilogue:

40. The State is not remediless if there has been any unauthorised occupation or encroachment upon Government poramboke land. The competent authorities may take appropriate action in accordance with law. However, the machinery of criminal prosecution under Section 4-A of the Tamil Nadu Open Places (Prevention of Disfigurement) Act, 1959, cannot be invoked in respect



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of a village panchayat area which does not fall within the statutory definition of “local area”. Similarly, a bald allegation of threat, without particulars and without the element of alarm, cannot be elevated into an offence of criminal intimidation under Section 506 IPC.

41. In the result, this Criminal Original Petition is allowed. The proceedings in S.T.C.No.254 of 2022, pending on the file of the learned Judicial Magistrate, Paramakudi, are quashed insofar as the petitioners / A-2 and A-3 are concerned. Consequently, connected miscellaneous petitions are closed.

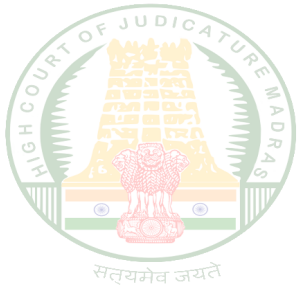
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NCC : Yes / No
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Internet : Yes/ No
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To

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

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L.VICTORIA GOWRI, J.

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