



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-07-2026

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THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

CRL OP No. 18092 of 2023

and

CRL MP No. 11966 of 2023

1. S.Selvakumar
S/o. Subbaiyan, No.47, Casa Grand
Eternia Phase I, Kalapatti, Coimbatore
641 048.

Petitioner(s)

Vs

1. State Rep By
The Inspector Of Police, Coimbatore
City Police Station, Cyber Crime
Division Ii, Coimbatore.

2.Sureshkumar
S/o.Kumarasamy, D.No.10/3, Dharani
Nagar 8th Street, Ganapathypudur,
Coimbatore 641 1006.

Respondent(s)

PRAYER: Criminal Original petition has been filed under Section 482 of Cr.P.C. praying to call for the records in Cr.NO. 23/2023 on 1st respondent and quash the same.

For Petitioner(s): Mr.K.Shanmuganandhan

For Respondent(s): Mr. M. Mohamed Riyaz For R1



ORDER

The prayer in this Criminal Original Petition is to quash the FIR in Crime No. 23 of 2023.

2. Upon considering the allegations, the de facto complainant claims to be employed in the IT wing of a particular political party. While so employed, the accused/petitioner, who belonged to a rival political party, is said to have made a series of insinuating and false statements against the then-Minister. According to the de facto complainant, reckless statements were made alleging that the Minister indulged in accumulating solid waste in front of the houses of people he did not like, and also indulged in the sale of narcotic drugs. The complainant states that such statements are absolutely false, which prompted the filing of the complaint.

3. It can be seen that, even assuming the allegations of the de facto complainant are true, the statements per se could be considered defamatory against the Minister concerned, and appropriate action can be taken by him. As far as the FIR is concerned, it has been registered under Section 66 of the Information Technology Act, 2008, and Section 505(1)(b) of the Indian Penal Code, 1860.

4. As per Section 66 of the Information Technology Act, 2008, if any person dishonestly or fraudulently does any act referred to in Section 43, they shall be punishable with imprisonment for a term which may extend to three years, or a fine, or both. A reading of Section 43 shows that it relates to



penalties and compensation for damage to computers and computer systems.

The section deals with unauthorised access to computers and computer networks, downloading data, introducing contaminants or viruses, and damaging computers or computer systems. It does not relate to making defamatory social media posts. As such, an offence under Section 66 of the Information Technology Act, 2008 is not made out.

5. The FIR is also registered for the offence under Section 505(1)(b) of the Indian Penal Code, 1860. This offence is made out only if false information or a rumour is circulated with the intent to cause fear or alarm to the public, or to any section of the public, whereby any person may be induced to commit an offence against the State or against public tranquility. It cannot be said that these ingredients are made out in the instant case.

6. Accordingly, considering the fact that even if the allegations made in the complaint are taken at face value, still no offence is made out, the Criminal Original Petition stands allowed. The FIR in Crime No. 23 of 2023 stands quashed. Connected pending petitions, if any, are closed.

29-07-2026

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Neutral Citation: No

To

1. The The Inspector Of Police, Coimbatore City Police Station, Cyber Crime Division II, Coimbatore.
2. The Public Prosecutor, High Court, Madras.



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**D.BHARATHA
CHAKRAVARTHY J.**

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