



Crl.O.P.No.22549 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.08.2026

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THE HON'BLE MR JUSTICE G.K. ILANTHIRAIYAN

Crl.O.P.No.22549 of 2026

and

Crl.M.P.Nos.14965 and 14966 of 2026

V.Anbalagan

... Petitioner

vs.

1.State by Inspector of Police,
Cyber Crime Police Station, West Zone,
Anna Nagar, Chennai 600040
(Crime No.42 of 2025)

2.Vinoth Kumar

... Respondents

PRAYER:- Criminal Original Petition is filed under Section 528 of BNSS, to call for the records in C.C.No.1217 of 2026, on the file of the XI Metropolitan Magistrate Court, Saidapet, Chennai and quash the same.

For Petitioner : Mr.J.Ramesh

For R1 : Mr.R.Ganesh Kumar
Counsel for Government of Tamil Nadu
(Criminal Side)



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ORDER

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This Criminal Original Petition has been filed to quash the proceedings in C.C.No.1217 of 2026, on the file of the XI Metropolitan Magistrate Court, Saidapet, Chennai.

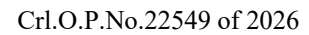
2. Heard the learned Counsel appearing on either side and perused the materials placed on record.

3. The case of the prosecution is that on the complaint lodged by the 2nd respondent, the 1st respondent registered the FIR in Crime No.42 of 2025 for the offences punishable under Sections 353(1) and 356(3) of BNS, alleging that the statements made by the petitioner lead to public mischief and making, publishing or circulating false statements in the social Platform. After completion of investigation, the 1st respondent filed final report and the same has been taken cognizance by the Trial Court in C.C.No.1217 of 2026 for the offences punishable under Sections 353(1) and 356(3) of BNS @ Sections 352 and 351(1) of BNS, 2023.



4. The learned counsel appearing for the petitioner submits that the petitioner holds the X Platform ID and used to tweet for the messages by appreciating the Police Official and also commenting the action of the Police Officials. According to the petitioner, some action of the Police Officials are wrong. That apart, the FIR was registered only for the cognizable offences, however, the 1st respondent filed final report by including the non-cognizable offences. In order to attract the offence under Section 352 of BNS, there must be ingredients viz., (a) intentional insult, (b) the insult must be such as to give provocation to the person insulted and (c) the accused must intend or know that such provocation would cause another to break the public peace or to commit any other offence. Therefore, the intentional insult must be of such a degree that should provoke a person to break the public peace or to commit any other offence.

5. In so far as the criminal intimidation as defined under Section 351 of BNS, covering threats made by any means (including electronic communication) to a person's body, reputation, or property to cause alarm or force unlawful action, however, no such act was constituted by the petitioner.



Therefore, the Police cannot file an FIR or investigate the matter on their own. It is mandate for them to obtain necessary permission from the concerned jurisdiction Court as contemplated under Section 155 (2) of the Criminal Procedure Code. It is also clear that no Police Officer can investigate the non-cognizable case, without an order from the Magistrate.

7. That apart, subsequently the petitioner tendered unconditional apology before the Authorities concerned and removed the content then and there. It is relevant to rely upon the judgment of the Hon'ble Supreme Court of India in the case of ***B.V.Ram Kumar vs. State of Telangana*** reported in ***(2025) 3 SCC 475***, in which the Hon'ble Supreme Court of India held as follows:-

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the provocation caused by such insult is likely to result in the commission of breach of public peace or any other offence by the person who has been so insulted. The offence is said to be complete once the accused person makes 'intentional insult' with the aforesaid mens rea. Hence, intention or knowledge on the part of accused person that his actions of making 'intentional Criminal Appeal @ SLP(Crl.) No(s). 7887 of 2024 insult' have the potential to provoke the person insulted is sine qua non for the commission of the offence under Section 504 IPC.

27. The natural corollary of the above discussion is that if the accused does not intend to give provocation, the offence is not made out. An insult without an 'intention to insult' is not punishable under Section 504, IPC. Further, 'intentional insult' must be of such a degree that it has the potential to provoke a reasonable person to break the public peace or to commit any other offence.

28. It is trite that whether the person provoked further commits an illegal act or not is immaterial to draw the conclusion of culpability under Section 504 IPC. The 'intentional insult' and provocation must be so proximate and close that the accused has either the intention or the knowledge that the intentional insult made by him is likely to cause the provoked person to break public peace or commit some other



offence. However, what would be the nature of ‘intentional insult’ causing provocation, to draw culpability under Section 504 IPC would depend upon the facts and circumstances of each case.

29. The test to be applied to determine if the intentional insult made by the accused is sufficient to cause provocation is that of a reasonable person, i.e., Criminal Appeal @ SLP(Crl.) No(s). 7887 of 2024 if the insult is sufficient to provoke any reasonable person to break peace or commit any other offence, only then the accused will be liable for the offence under Section 504 IPC.”

8. The above judgment is squarely applicable to the present case on hand. The petitioner’s act of reprimanding the complainant cannot by any stretch of imagination be treated to be an ‘intentional insult’ meted out to the aggrieved person, so as to provoke him to commit breach of peace or any other offence. Therefore, no offence is made out as against the petitioner.

9. That apart, the 1st respondent filed a final report for the non-cognizable offence, without obtaining necessary permission from the concerned jurisdictional Court. In view of the above, the entire proceedings cannot be sustained and liable to be quashed.



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10. Accordingly, the proceedings in C.C.No.1217 of 2026, on the file of the XI Metropolitan Magistrate Court, Saidapet, Chennai, is hereby quashed and this Criminal Original Petition is allowed. Consequently, the connected miscellaneous petitions are closed.

13.08.2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
dm

To

- 1.The XI Metropolitan Magistrate Court,
Saidapet, Chennai.
- 2.The Inspector of Police,
Cyber Crime Police Station, West Zone,
Anna Nagar, Chennai 600040.
- 3.The Public Prosecutor,
High Court, Madras.



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G.K. ILANTHIRAIYAN, J.

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