



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-07-2026

WEB COPY

CORAM

THE HON'BLE MR JUSTICE G.K. ILANTHIRAIYAN

WP CrI. No. 1414 of 2025

and

WPMP CrI. Nos. 686 & 687 of 2025

V.Sathiyaraj

..Petitioner

Vs

1. The Sub Inspector of Police,
CCD-I,
Chennai West,
Greater Chennai City Police.
Cr.No.3 of 2025.

2. Singa Tamizhachi

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue Writ of Certiorari, calling for the records relating to the proceedings in C.C.No.1744 of 2025 on the file of the learned XI Metropolitan Magistrate Court, Saidapet, Chennai, and quash the same in the said case as illegal, without jurisdiction, and an abuse of the process of law.

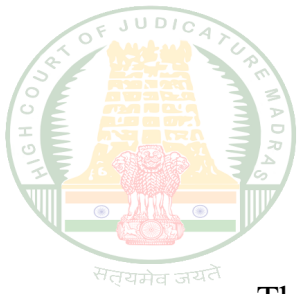
For Petitioner:

Mr.K.Suresh Babu
for Mr.M.Balaji

For Respondents:

Mr.R.Ganesh Kumar
Counsel for Government of Tamil Nadu (CrI.Side)
for R1

No appearance for R2



ORDER

WEB COPY

This Writ Petition (Criminal) has been filed to quash the proceedings in C.C.No.1744 of 2025 on the file of the XI Metropolitan Magistrate, Saidapet, Chennai.

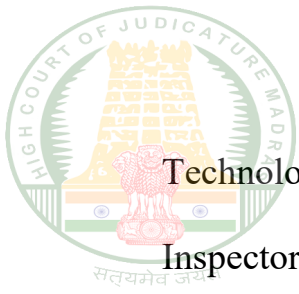
2. The case of the petitioner is that the second respondent lodged a complaint, pursuant to which the first respondent registered an FIR in Crime No.3 of 2025 for the offences punishable under Sections 356(2), 351(3) and 79 of Bharatiya Nyaya Sanhita, 2023, read with Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002. It is alleged that the second respondent has been working in the field of journalism for the past 22 years and is presently serving as the President of the Tamil Nadu Journalists Union, the Editor of the First Reporter Weekly Magazine and the State President of the Indian People's Federation for Scheduled Castes and Scheduled Tribes. While being so, the petitioner/accused, on 02.10.2024, without the consent of the second respondent, published her photograph on social media along with defamatory, abusive and derogatory remarks and the petitioner addressed her in a disrespectful manner and made insulting references by dragging the wife of the Hon'ble Chief Minister of Tamil Nadu into the social media posts. It is further alleged that the petitioner had repeatedly uploaded false and defamatory content against the second respondent on various social media platforms and



Whatsapp groups consisting journalists, editors and medial personnel, thereby tarnishing her reputation, dignity and long standing social service. It is further alleged that the petitioner contacted the office bearers of the Union over the telephone, abused them by using obscene and indecent language and threatened them with dire consequence. It is further alleged that the petitioner threatened the wife of one of the office bearers of the Union during a late-night phone call and also through Whatsapp messages.

3. After completion of the investigation, the first respondent filed a final report and the same has been taken cognizance in C.C.No.1744 of 2025 on the file of the XI Metropolitan Magistrate, Saidapet, Chennai, for the offences punishable under Sections 296(b), 79, 351(3) of Bharatiya Nyaya Sanhita, 2023 and Section 67 of Information Technology (Amendment) Act, 2008.

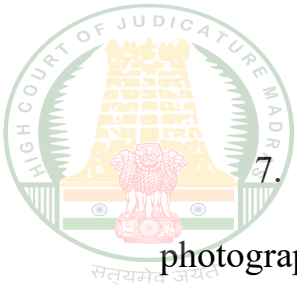
4. The learned counsel appearing for the petitioner submitted that no offence is made out against the petitioner under the Bharatiya Nyaya Sanhita, 2023. Even according to the second respondent, the petitioner had only published her photograph along with derogatory statements. He further submitted that the petitioner had contacted the office bearers of the Union over the telephone and threatened them with dire consequences and also abused them in filthy languages. He also submitted that insofar as the offence under the Information Technology Act is concerned, Section 78 of the Information



Technology Act specifically mandates that no police officer below the rank of Inspector of Police shall investigate any offence under the said Act.. However, in the present case, the investigation was conducted by a Sub-Inspector of Police. Therefore, the entire proceedings are vitiated and liable to be quashed, since the investigation conducted by the officer not competent under law has caused serious prejudice to the petitioner and amounts to a miscarriage of justice.

5. Per contra, the first respondent filed a counter affidavit stating that the charge sheet has been filed not only for the offence under the Information Technology Act and also for the offence under the Bharatiya Nyaya Sanhita, 2023. Therefore, the first respondent has got jurisdiction to investigate the case and file the final report. Therefore, the Trial Court rightly had taken cognizance against the petitioner for the charges under Sections 296(b), 79, 351(3) of Bharatiya Nyaya Sanhita, 2023 and Section 67 of Information Technology Amendment Act, 2008.

6. Heard the learned counsel appearing for the petitioner and the learned Counsel for Government of Tamil Nadu (Criminal Side) appearing for the first respondent. Though notice has been served on the second respondent and his name is printed in the cause list, none appeared on his behalf either in person or through pleader. Perused the materials available on record.



7. The crux of the allegations is that the petitioner published photograph of the second respondent on social media along with defamatory, abusive and derogatory remarks. Thereafter, the petitioner also contacted the office bearers of the Union over the telephone, abused them in filthy language and threatened them with dire consequences.

8. A perusal of the materials available on record including the charge sheet reveals that there is no material to show that the petitioner had published the photograph of the second respondent along with any defamatory, abusive and derogatory remarks. Now, the alleged social media posts are no longer available. A perusal of the photograph allegedly posted by the petitioner is clear photograph of the second respondent and it does not contain any defamatory, abusive and derogatory remarks over the second respondent. Further, even according to the second respondent, the petitioner had only contacted the office bearers of the Union over the telephone, abused them in filthy language and threatened them with dire consequence. There is no specific allegation that the petitioner extended any such threat directly to the second respondent.

9. In order to attract the offences under Section 294(b) of IPC, there must be an uttering of words to affect the person who lodged the complaint. In this regard it is relevant to extract the Section 294(b) of IPC, as follows :-



WEB COPY



"294. Obscene acts and songs —Whoever, to the annoyance of others— (a) does any obscene act in any public place, or (b) sings, recites or utters any obscene song, ballad or words, in or near any public place, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine, or with both."

10. Admittedly, there is absolutely no words uttered by the petitioner as such to constitute the offence under Section 294(b) of IPC, there is no averments and allegations. Further the charges do not show that on hearing the obscene words, which were allegedly uttered by the petitioner, the witnesses felt annoyed. No one has spoken about the obscene words, they felt annoyed and in the absence of legal evidence to show that the words uttered by the petitioner annoyed others, it cannot be said that the ingredients of the offence under Section 294(b) of IPC is made out. It is relevant to rely upon the judgment reported in **1996(1) CTC 470** in the case of **K.Jeyaramanuju Vs. Janakaraj & anr.**, which held as follows :-

"To prove the offence under Section 294 of IPC mere utterance of obscene words are not sufficient but there must be a further proof to establish that it was to the annoyance of others, which is lacking in the case."



The above judgment is squarely applicable to the present case and therefore, the offence under Section 294(b) of IPC is not at all attracted as against the petitioners.

11. Insofar as the offence under Section 506(i) of I.P.C is concerned, to attract the offence, threat and intention to cause an alarm are main ingredients. The third ingredient is that the intention must be to cause any person to do any act which he is not legally bound to do or to omit to do any act which that person is legally entitled to do, subsequent to the main ingredients. Whereas in the case on hand, even according to the case of the prosecution, the alleged threats issued by the petitioner were only empty threats and they had no effect on the complainant.

12. In this regard, it is relevant to rely upon the judgment of this Court made in ***CrI.O.P.(MD)No.11030 of 2014*** in the case of ***Abdul Agis Vs. State through the Inspector of Police***, which reads as follows:-

“7.It is seen from the statements recorded under Section 161(3) of Cr.P.C. of the second respondent/ defacto complainant that it does not contain any obscene words, which were uttered by the petitioner herein and the entire allegations are very simple in nature. It is also seen from the statement of one Uthami, that the petitioner threatened the defacto complainant with dire consequences when he dashed the defacto complainant. The entire allegations are trivial in nature. Further, to attract the offence under Section 506(i) of I.P.C., there was a threatening only by words. As pointed by the learned counsel appearing for the petitioner, the threat



WEB COPY

should be a real one and not just a mere word when the petition uttering does not exactly mean what he says and also when the person to whom threat is launched does not feel threatened actually. Therefore, the offences under Sections 294(b) and 506(i) of I.P.C. are not made out as against the petitioner herein and also the entire criminal proceedings is clear an abuse of process of Court. Therefore, this Court is inclined to quash the entire proceedings.”

13. In this regard, it is relevant to extract the judgement reported in **(1992) SCC Crl. 426** in the case of **Bajanlal v. State of Haryana**, wherein the Hon'ble Supreme Court of India has listed out the following category of case in which the criminal proceedings can be quashed using the inherent jurisdiction of the High Court under Section 482 Cr.P.C.:

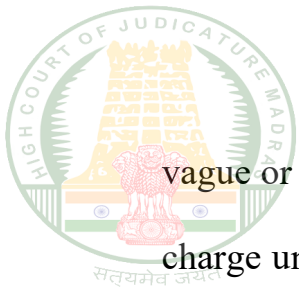
"102.....

.....

7. Where a criminal proceeding is manifestly attended with malafide and/or where the proceedings is maliciously instituted with an ulterior motive for wrecking vengeance on the accused and with a view to spite him due to private and personal grudge."

Therefore, the impugned complaint is nothing but clear abuse of process of law and it cannot be sustained as against the petitioner.

14. Insofar as the offence punishable under Section 509 of IPC is concerned, it is well settled that, to attract the said provision, there must be a specific act, gesture or word intended to insult the modesty of a woman. A



vague or bald allegation, bereft of specific particulars, is insufficient to sustain a charge under Section 509 of IPC. On perusal of the entire records, there are no

such allegations in order to insult the modesty of the second respondent.

Further, no authenticated electronic records appears to have been collected and annexed by the first respondent along with the final report. There is absolutely no material to demonstrate that the petitioner had posted on social media containing defamatory or derogatory remarks against the second respondent. In view of the above, the ingredients of the offence are not made out.

15. Insofar as the offence under Section 67 of the Information Technology Act, 2000, is concerned, it is relevant to extract the provision under Section 78 of the Information Technology Act, which reads as follows :

“Notwithstanding anything contained in the Code of Criminal Procedure, 1973, a police officer not below the rank of Inspector shall investigate any offence under this Act”.

16. Thus, it is clear that it confers exclusive power to investigate the I.T.Act offences to a police officer not below the rank of Inspector, who is expected to have certain degree of expertise/knowledge to handle investigation of a technical offence. Admittedly, in the case on hand, the first respondent, who is Sub Inspector of Police, completed the investigation and filed a final report. In view of the bar under Section 78A of the Information Technology Act, the first respondent is an incompetent authority to conduct investigation.



17. In this regard, the learned Counsel for Government of Tamil Nadu (Criminal Side) submitted that if any miscarriage of justice done or any prejudice caused to the accused by the incompetent investigating officer, the entire proceedings cannot be sustained. However, in the case on hand, the petitioner failed to establish that any miscarriage of justice done or prejudice caused to the petitioner. In support of his contention, he relied upon the Judgment of the Hon'ble Supreme Court of India reported in **1955 SCR (1) 1150** in the case of **H.N.Rishbud and Inder Singh Vs. The State of Delhi**, wherein it was held as follows .

“If, therefore, cognizance is in fact taken, on a police report vitiated by the breach of a mandatory provision relating to investigation, there can be no doubt that the result of the trial which follows it cannot be set aside unless the illegality in the investigation can be shown to have brought about a miscarriage of justice. That an affect the competence and the jurisdiction of the Court for trial is well settled as appears from the cases in Prabhu V. Emperor (1) and Lumbhardar Zutshi V. The King (2). These no doubt relate to the illegality of arrest in the course of investigation while we are concerned in the present cases with the illegality with reference to the machinery for the collection of the evidence. This distinction may have a bearing on the question of prejudice or miscarriage of justice, but oth the cases clearly show that invalidity of the investigation has no relation to the competence of the Court. We are therefore, clearly, also, of the opinion that where the cognizance of the case has in fact been taken and the case has proceeded to termination, the invalidity of the precedent investigation does not vitiate the result, unless miscarriage of justice has been caused there.

It doest not follow, however, that the invalidity of the investigation is to be completely ignored by the

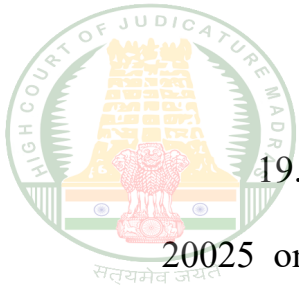


WEB COPY



Court during trial. When the breach of such a mandatory provision is brought to the knowledge of the Court at a sufficiently early stage, the Court, while not declining cognizance, will have to take the necessary steps to get the illegality cured and the defect rectified, by ordering such reinvestigation as the circumstances of an individual case may call for.”

18. It is true that the entire final report is vitiated if any breach of mandatory provisions relating to investigation. In the case on hand, admittedly the first respondent is incompetent to investigate in respect of the offence under the Information Technology Act. The crux of the allegation is against the petitioner that he posted the photograph of the second respondent on social media along with defamatory, abusive and derogatory remarks. Further, he also contacted the office bearers of the second respondent's Union over telephone and threatened them with dire consequences by using obscene words and also sent Whatsapp messages. In order to investigate of such allegations, the Inspector of Police is competent authority to investigate, since the Inspector of Police expected to have certain degree of expertise/knowledge to handle investigation of a technical offence. Therefore, there is miscarriage of justice and serious prejudice caused to the petitioner. Hence, the entire investigation done by the first respondent is vitiated and liable to be quashed.



19. In view of the above, the entire proceedings in C.C.No.1744 of 20025 on the file of the XI Metropolitan Magistrate, Saidapet, Chenani, is hereby quashed and the Writ Petition (Criminal) stands allowed. Consequently, connected miscellaneous petitions are closed. No costs.

09-07-2026

Index: Yes/No

Speaking/Non-speaking order

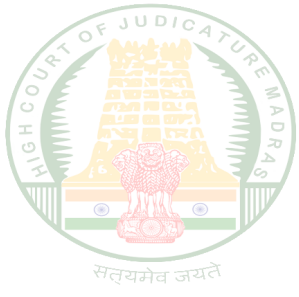
Neutral Citation: Yes/No

LPP

To

1.The Sub Inspector of Police,
CCD-I,
Chennai West,
Greater Chennai City Police.

2.The Public Prosecutor,
High Court of Madras,
Chennai.



WEB COPY

WP CrI. No. 1414 of 2



G.K.ILANTHIRAIYAN J.

LPP

WP CrI. No. 1414 of 2025

and

WPMP CrI. Nos. 686 & 687 of 2025

09-07-2026