



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.04.2019

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

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CRL.O.P. (MD) No.5221 of 2019

and

CRL.M.P. (MD) No.3279 of 2019

Imran @ Mohamed Imran

... Petitioner / Sole Accused

Vs.

1.State through

The Inspector of Police,
Sethubavachathiram Police Station,
Thanjavur District.

(In Crime No.121 of 2018)

... 1st Respondent / Complainant

2.Gopalakrishnan

... 2nd Respondent / Defacto
Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records of the impugned First Information Report in Crime No.121 of 2018 on the file of the first respondent police station and quash the same as illegal.

For Petitioner : Mr.S.M.A.Jinnah

For R1 : Mr.A.P.G.Ohm Chairma Prabhu,
Government Advocate (Crl.Side).

ORDER

This petition has been filed to quash the impugned First Information Report in Crime No.121 of 2018 on the file of the first respondent police station.

2.The allegation of the prosecution against this petitioner is that the petitioner has posted a message in Facebook inviting Muslims to perform Jihad. That poses a threat to internal security of the Nation and promote enmity between groups on the grounds of religion for which the Law Enforcing Agency has registered the case.

3.The learned counsel appearing for the petitioner would submit that merely posting a message in Facebook will not automatically enable the law enforcing agency to register a case unless the said message attracted Section 67 of the Information



4.The learned Government Advocate (Crl. Side) appearing for the first respondent would submit that the petitioner posted a message in Facebook for creating enmity in between two religions and in order to maintain the communal harmony, the Law Enforcing Agency has registered the impugned case.

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5.Considering the facts and circumstances of the case, this Court is not inclined to interfere with the First Information Report at this stage. Since the FIR discloses the commission of offence, the same cannot be quashed in the light of the law laid down by the Hon'ble Supreme Court in the case of **State of Haryana Vs. Bhajan Lal [(1992) [1] SCC 335]**.

6.At this juncture, the learned counsel for the petitioner submits that a direction may be issued to the first respondent police to complete the investigation and file the final report within a stipulated time.

7.Considering the request made by the petitioner, this Court is inclined to issue a direction to the Law Enforcing Agency. Accordingly, the Law Enforcing Agency/first respondent police is directed to expedite the investigation and complete the same within a period of two months from the date of receipt of a copy of this order.

8.Accordingly, this criminal original petition is dismissed with the above direction. However, liberty is granted to the petitioner, after filing charge sheet, to work out his remedy in the manner known to law. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

/ True Copy /

Sub Assistant Registrar(CS)

Myr
To

1.The Inspector of Police,
Sethubavachathiram Police Station,
Thanjavur District.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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