



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.10.2020

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P (MD) No.6791 of 2020

and

Crl.M.P (MD) .No.3391 of 2020

Ravi Ranjan Sinha

... Petitioner/Accused

Vs

1.The Superintendent of Police

Collector Complex

District Police Office

Sivagangai HO

Sivagangai District 630 561

...Respondent

2.The Inspector of Police

Police Station Karaikudi North

Sekkalai

Sivagangai District 630 003

....Respondent/Complainant

3.R.Suriyanarayanan

....Respondent/Defacto Complainant

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to call for the records in Crime No.705 of 2020 dated 14.06.2020 and all the subsequent /consequent proceedings pursuant thereto pending on the file of the Karaikudi North Police Station, Sivagangai District and quash the same as illegal insofar as the petitioner is concerned.

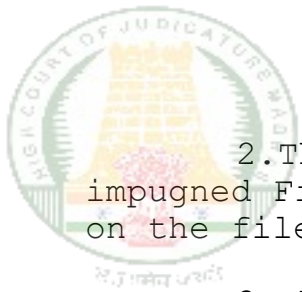
For Petitioner : Mr.P.Karthick

For R1 & R2 : Mr.S.Chandrasekaran
Additional Public Prosecutor

For R3 :Mr.R.Suriyanarayanan
Party-in-person

O R D E R

Heard the learned counsel for the petitioner, learned Additional Public Prosecutor for the respondents 1 and 2 and the third respondent who appears in person through video-conference.



2.This criminal original petition has been filed to quash the impugned First Information Report in Crime No.705 of 2020 registered on the file of the second respondent.

3.The petitioner is working as an Assistant Commandant in CRPF and posted in New Delhi. He had twitted under the name 'RSS @ RSS for India'. The third respondent has taken objection for using of the expression 'RSS' by the petitioner herein. In the offending tweet, he wanted to project his service grievance. But then it gave a different impression altogether. According to the petitioner, the expansion of RSS is Ravi Sinha Soldier. But the third respondent felt that RSS can only mean 'Rashtriya Swayamsevak Sangh'. Therefore, the third respondent felt that the petitioner is trying to mislead the general public with a false name. Realising inappropriateness of his action, the petitioner had taken down the said tweet. He had also closed the said platform.

4.The learned Additional Public Prosecutor strongly opposes the prayer made by the petitioner. The second respondent has also filed a counter affidavit, wherein paragraph No.10 reads as follows:

"10. I submit that further, the petitioner was expressing his views not in his personal capacity but was doing so hiding behind the name of a respected organisation such as the RSS, which would never have approved of his communal tweets touching the issue of Ram Temple in Ayodhya, as the matter has been settled as per the law of the land by the Hon'ble Apex Court. The fact that the petitioner did not give a disclaimer in his profile about his actual name or that his views do not represent those of the RSS clearly shows that he intended the audience to believe that he represents the views of the RSS. It is to be noted here that all fan pages, parody accounts, etc., should identify themselves as such on twitter. If not done, it would clearly amount to identity theft. Also, it is submitted before the Hon'ble Court that the fact in issue is not about the violation of twitter policy, as the petitioner tried to plead, but the law of the land".

5.The petitioner gives an undertaking before this Court that henceforth he will not use the expression 'RSS'. In fact, the petitioner expressed his regret also. Since the petitioner is also realising what he has committed, the third respondent has accepted the same gracefully. When the third respondent is not interested to pursue the matter, this Court should give quietus to the issue. The petitioner is based in New Delhi. The said tweet is also in Hindi. Therefore, it cannot have any bearing as far as Tamil Nadu is concerned. When the parties have chosen to give quietus to the issue, I am of the view that the impugned prosecution need not be



kept alive. Therefore, the impugned proceedings is quashed and this criminal original petition is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar ()

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// True Copy //

/ /2020

Sub Assistant Registrar(CS)

msa

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:-

- 1.The Superintendent of Police
Collector Complex
District Police Office
Sivagangai HO
Sivagangai District 630 561
- 2.The Inspector of Police
Police Station Karaikudi North
Sekkalai
Sivagangai District 630 003
- 3.The Additional Public Prosecutor
Madurai Bench of Madras High Court
Madurai.

**Crl.O.P (MD) No.6791 of 2020
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VB (16.12.2020) 3P 4C