



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.03.2020

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P (MD) No.15685 of 2018

and

Crl.M.P. (MD) No.7036 of 2018

WEB COPY

J.Mohammed Khan

... Petitioner/Accused

Vs.

1.The Inspector of Police,
Pettai Police Station,
Tirunelveli.

... Respondent/Complainant

2.The Registrar,
Manonmaniam Sundaranar University,
Abishekapatti,
Tirunelveli - 627 012.

... Respondent/Defacto complainant

Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records and to quash the case in Crime No.244 of 2018 on the file of the 1st respondent.

For Petitioner : Ms.D.Geetha

For Respondents : Mr.A.Robinson
Govt. Advocate (Crl. Side) for R1
Mr.M.Mahaboof Athiff
For M/s.Ajmal Associates for R2

O R D E R

The petitioner is shown as accused in Crime No.244 of 2018 registered on the file of Pettai Police Station, Tirunelveli for the offences under Section 506(i) of I.P.C. The defacto complainant in this case is the Registrar, Manonmaniam Sundaranar University. To quash the said FIR, the petitioner has filed this criminal original petition.

2.Heard the learned counsel on either side.

3.As rightly pointed out by the learned counsel appearing for the petitioner, the elementary ingredients of the offence under Section 506(i) of I.P.C., are wholly absent in this case. The petitioner did his under graduation in Sadakathulla Appa College, Tirunelveli. He did his masters in criminology in Manonmaniam Sundaranar University. He was also a research scholar in the university and he was also awarded doctorate by the same university. It appears that the relationship between the petitioner and the



university was not all that smooth. The petitioner appears to have to sent quite a few complaints against the management of Manonmaniam Sundaranar University. The petitioner also appears to be an active participant in the social media. One such posting made by the petitioner herein had triggered the instant prosecution.

WEB COPY

4.I carefully went through the contents of the FIR. It is true that the petitioner had condemned the management of the university in rather caustic language. But then no offence under Section 506 (i) of I.P.C., is made out. However while going through the said facebook message, this Court came across certain lines, which appear to uphold tamil nationalism.

5.When the learned counsels attention was drawn to the said passages, the petitioner's counsel submitted that the petitioner will appear before this Court in person and clarify. The petitioner appeared in person before this Court and had filed a detailed statement in which he had categorically affirmed his faith in the integrity of the nation as well as the Constitution. He asserts that he has the fullest faith in judicial process and that he will not do anything that may remotely prejudice the sovereignty of this country.

6.The petitioner is aged 32 years. He has got a bedridden dependent mother. The petitioner is eking his livelihood as parotta master in a road side tiffin stall and he underwent his college education on a part time basis. He however was a full time research scholar. I must note that a person coming from such a disadvantaged section ought not be entangled in a criminal prosecution merely because he made some offending facebook posting. Since the petitioner undertakes that he will be careful and measured in his conduct as a participant in the social media, I am of the view that continuance of the impugned prosecution is most unwarranted.

7.In this view of the matter, the impugned prosecution stands quashed and the criminal original petition is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

ias



To:

1.The Inspector of Police,
Pettai Police Station,
Tirunelveli.

2.The Registrar,
Manonmaniam Sundaranar University,
Abishekapatti,
Tirunelveli - 627 012.

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

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-11482[F] dated
13/03/2020)

+1 CC to M/s.D.GEETHA, Advocate (SR-11611[F] dated 13/03/2020)

Crl.O.P(MD)No.15685 of 2018
12.03.2020

VB(05.05.2020) 3P 6C