

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.02.2021

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL.O.P.No.19111 of 2019

Arulmozhi Palanisamy

...Petitioner/Accused

Vs.

1. The Inspector of Police,
Sankari Police Station,
Salem.

2. N.Mani

...Respondents/Complainant

PRAYER: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to call for the records and quash the criminal complaint in Cr.No.226 of 2018 on the file of the first respondent, Sankari Police Station, Salem for the offences under Section 500, 501(5) read with Section 67 of Information Technology Act, 1985.

For Petitioner : Dr.V.Suresh

For Respondents: Mr.M.Mohamed Riyaz- R1

Additional Public Prosecutor

ORDER

This petition has been filed seeking to quash the FIR registered by the respondent Police in Crime No.226 of 2018 for the offences under Section 500 and 505(1)(b) of IPC and Section 67 of Information Technology Act, 2000.

2. The petitioner, in her Facebook post on 24.05.2018, had expressed in a rather derogatory fashion, certain actions that were referred on the side of the Government. According to the complaint, this Facebook post had defamed the name of the Hon'ble Chief Minister.

3. When the matter came up for hearing on 19.07.2019, this Court took into consideration the type of language that was used by the petitioner in the Facebook post and expressed its mind to the effect that whatever may be the grievance of the petitioner, when its come to expressing any opinion in a public platform, it has to be said in a palatable tone.

4. The learned learned counsel for the petitioner appearing on behalf of the petitioner in all fairness submitted that the petitioner should have been more responsible in expressing herself in a public platform and that the learned counsel would impress upon the petitioner to file an affidavit before this Court expressing regret for the type of language that was used by the petitioner.

5. The matter, thereafter, was posted on 13.08.2019 and an affidavit came to be filed by the petitioner. The relevant portions in the affidavit are extracted hereunder:

"2. I would like to equivocally express my regret for the type of language used in the Facebook post on which basis the complaint was filed. I realize now that there is a criticizing officials and official policy, and the manner in which the same is expressed and the type of language that is used. In the present case, the FB post refers to the chief Minister of Tamil Nadu; I offer my regrets if it has hurt anyone's feelings.

3. I now understand that when commenting about any policy or activity, the language used and the manner of conveying the message should be temperate and not be such as may hurt personal feelings or offend sensibilities.

4. I regret and unconditionally express my sincere apologies for the language published in the post and regret if it has caused any mental or emotional distress to anyone who has read the post. I pray that this expression of regret may be accepted by this Hon'ble Court."

6. The matter ultimately got registered for final hearing and was heard today by this Court.

7. Heard Dr.V.Suresh, learned counsel for the petitioner and Mr.M.Mohamed Riyaz, learned Additional Public Prosecutor appearing on behalf of first respondent. The second respondent has been served with notice and his name is also printed in the cause list. However, there is no appearance either in person or through counsel.

8. The petitioner wanted to express her views strongly on the caste taking a centre stage in politics. While expressing her view in the Facebook account, she had used an intemperate language. That had resulted in an FIR registered against the petitioner.

9. In the considered view of this Court, the petitioner having expressed regret for the Facebook post and

given an undertaking that she will not use such intemperate language in future, this Court deems it fit to bring to an end the criminal proceedings initiated against the petitioner. No useful purpose would be served in prosecuting the investigation at this stage, more particularly, after the petitioner had understood her fault and expressed regret.

10. In the result, the FIR in Crime No.226 of 2018 pending on the file of the first respondent, is hereby quashed. This Criminal Original Petition is allowed accordingly.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

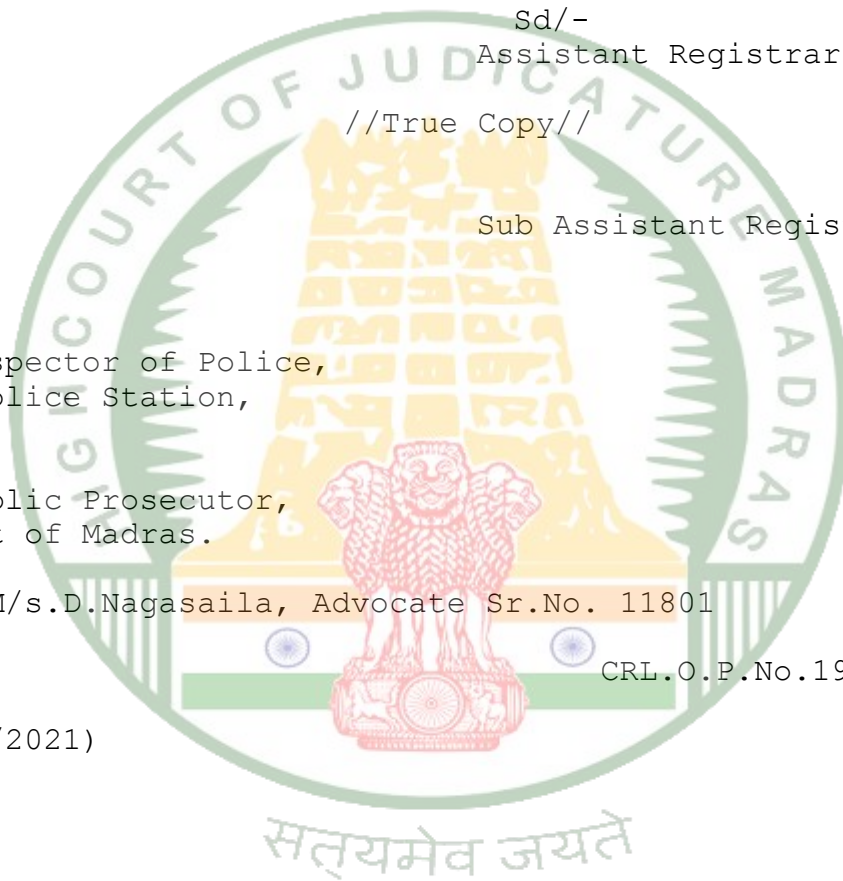
1. The Inspector of Police,
Sankari Police Station,
Salem.

2. The Public Prosecutor,
High Court of Madras.

+1 cc to M/s.D.Nagasaila, Advocate Sr.No. 11801

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SKY (CO)
RMP (25/03/2021)



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