



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.12.2021

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Cr1.O.P. (MD)Nos.15313 & 15317 of 2021 &

Cr1.M.P. (MD)Nos.8217 & 8225 of 2021

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CRL.O.P. (MD)No.15313 of 2021

R.Yuvarajan ... Petitioner / Sole Accused
(Wrongly mentioned in FIR as
Yuvaraj)

Vs.

1.State rep. By,
The Inspector of Police,
Sholavandan police station,
Madurai District,
Madurai.
(Crime No.126 of 2018) ... Respondent No.1 / Complainant

2.S.Sathiskumar,
Sub Inspector of Police,
Sholavandan police station,
Madurai District,
Madurai. ... Respondent No.2 /Defacto complainant

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to the First Information Report in Crime No.126 of 2018 dated 12.04.2018 on the file of the first respondent and quash the same as illegal.

For Petitioner : Mr.T.Lajapathi Roy
For R-1 : Mr.T.Senthil Kumar,
Additional Public Prosecutor.

* * *

CRL.O.P. (MD)No.15317 of 2021

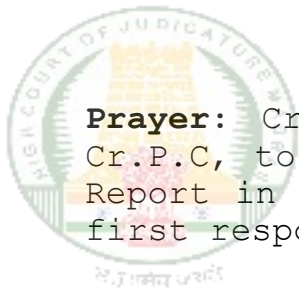
R.Yuvarajan ... Petitioner / Sole Accused
(Wrongly mentioned in
Charge Sheet as Yuvaraj)

Vs.

1.State rep. By,
The Inspector of Police,
Sholavandan police station,
Madurai District,
Madurai.
(Crime No.124 of 2018) ... Respondent No.1 / Complainant

2.M.Murugan
<https://hcservices.ecourts.gov.in/hcservices/>

... Respondent No.2 /Defacto complainant



Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to the First Information Report in Crime No.124 of 2018 dated 11.04.2018 on the file of the first respondent and quash the same as illegal.

(in both Cr.O.Ps.)

For Petitioner

For R-1

: Mr.T.Lajapathi Roy

: Mr.T.Senthil Kumar,

Additional Public Prosecutor.

* * *

C O M M O N O R D E R

Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the first respondent.

2. These criminal original petitions have been filed to quash the impugned First Information Reports in Crime No.124 of 2018 and Crime No.126 of 2018 registered on the file of the first respondent.

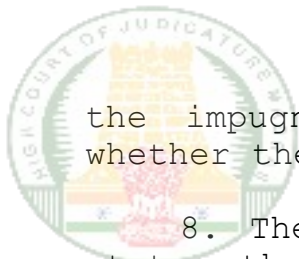
3. The Sub Inspector of Police, attached to Sholavandan police station lodged an information to the effect that the petitioner herein had defaced Hindi letters in the name board installed in Sholavandan railway station on 10.04.2018. On the same day, he had also posted a highly offensive message in his Facebook page against the Hon'ble Prime Minister. That led to registration of Crime Nos.124 and 126 of 2018. Though more than 3½ years have elapsed, till date final report has not been filed.

4. The learned counsel appearing for the petitioner reiterated all the contentions set out in the memorandum of grounds and called upon this Court to quash the impugned First Information Reports.

5. Per contra, the learned Additional Public Prosecutor submitted that no case for quashing has been made out.

6. I carefully considered the rival contentions and went through the materials on record.

7. There can be no doubt that the registration of the cases against the petitioner is warranted. The petitioner transgressed the limits of law by defacing Hindi letters in the name board of Sholavandan railway station. That clearly amounts to causing damage to the public property. His Facebook post is highly offensive and *prima facie* attracts the ingredients set out in Section 505 (1) (b) of I.P.C. and Section 66F of the Information Technology Act 2000. While the first respondent cannot be faulted for having registered



the impugned First Information Reports, the question is as to whether the prosecution should be allowed to continue.

8. The petitioner is present in person before this Court. He states that he belongs to Pallar community, a notified Scheduled Caste. He is a first generation graduate. His father is a retired conductor and his mother is a house wife. He passed out of the Madurai Law College and completed his Law degree in the year 2021. He is unable to get himself enrolled on account of the pendency of the impugned prosecution. He admitted before this Court that out of emotion, he committed those acts and he genuinely regrets the same. The petitioner further admitted that after realizing his fault, he had also deleted his Facebook post. He gives an undertaking that he will never again resort to such acts in future. He promises to stick to constitutional and democratic path henceforth. In order to make amends, he undertakes to write a letter to the Hon'ble Prime Minister apologising for having used threatening and abusive language.

9. It is open to the petitioner to oppose the ideology of the ruling party. The petitioner has the fundamental right to freedom of speech and expression and give vent to his feelings. During the relevant time, agitation was going on in Tamil Nadu calling for the establishment of Cauvery Water Management Board. Therefore, the petitioner cannot be blamed for joining the agitation. But in a democratic society, certain limits and courtesies will have to be observed. The petitioner realised that he has crossed the said limits. Since the petitioner is a young man, keeping the impugned prosecution alive would definitely affect his future. More than 3½ years have elapsed and till date final report has not been filed. A First Information Report of this nature cannot be quashed on the ground of non-filing of final report. But in view of the special circumstances obtaining in this case and in view of the petitioner's undertaking to conduct himself properly in future, it would be a fit case to invoke the inherent powers of this Court. The impugned First Information Reports are quashed. These criminal original petitions are allowed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

PMU



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.

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To:

1.The Inspector of Police,
Sholavandan police station,
Madurai District,
Madurai.

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

+2 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-38290 & 38291[F]
dated 13/12/2021)

Cr1.O.P.(MD)Nos.15313 & 15317 of 2021
10.12.2021

NSN (CO)

GC(20.12.2021) 4P 5C