



CRL.O.P.No.17074 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.11.2022

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THE HONOURABLE **DR.JUSTICE G.JAYACHANDRAN**

CRL.O.P.No.17074 of 2019

and

CrI.MP. Nos.8603 and 8604 of 2019

M/s.Ver se Innovation Private Limited,
Represented by its Managing Director,
Mr.Virendra Kumar Gupta

...Petitioner/ Accused

Vs.

1.State rep. by Inspector of Police,
Kattoor Police Station,
Coimbatore City,
Crime No.696 of 2018

...Respondent/ Complainant

2.Ashok kumar

... Respondent/ Defacto complainant

PRAYER: This Criminal Original Petition is filed under Section 482 of Cr.P.C., praying to call for the records of the FIR in Crime No.696 of 2018 on the file of the first respondent and quash the same.

For Petitioner : Mr.P.Dinesh Kumar

For Respondent 1 : Mr.N.S.Suganthan
Government Advocate (Crl. Side)

For Respondent 2 : No appearance



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business of the petitioner is to collate news items from various sources and upload in his web forum under the name "Daily hunt". The so-called objectionable photograph and news items were collected by him from an e-magazine called "Vikatan.com" and he had no intention to incite disharmony between any class or community of persons to commit any offence against any other class or community to attract offence under Section 505(1)(c) of IPC. Similarly, also by publishing the said photographs with the caption, there is no imputation from any class of persons by reasons of their being members of any religious, racial, language or regional group or caste or community to attract Section 153 B of IPC.

3. The learned Government Advocate (Crl. Side) appearing for the first respondent would submit that the complaint was registered at the relevant point of time when the then Chief Minister's photograph with few members of the party been depicted as if the former Chief Minister was found in association with criminals like fake currency note circulators. This publication of the said photograph was done with the intention to cause imputation not only against the Chief Minister but the entire AIADMK



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party. Hence, the complaint came to be registered.

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4. This Court on perusing the complaint and the provision of law in which a case has been registered against the petitioner, finds that it is a clear abuse of power at the instance of the person ruling the State at the relevant point of time. There is no denial from any of the persons found in the photograph and also about the facts found in the caption under the photograph circulated in social media. The defacto complainant who is a total stranger claiming himself as the Councillor and member of the particular party has given a complaint that the photograph has created shock in his mind and also in the mind of the party cadre. When the content of the caption and the genuineness of the photograph has not been denied by the person concerned, a stranger has no locus to initiate this complaint, when no class or group of persons have been affected by this photograph. At the most, if there is any objectionable content in the news report, the persons who are likely to be affected are the persons who are found in the photograph and no one else, that cannot be over turned as group or class or community to attract Section 153 (B) or 505(1)(c) of IPC. The content of



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the objectionable photograph and the news article no way cause a *prima facie* case to register a criminal complaint under any provision of law much less Section 153(B) and 505(1)(c) of IPC. Hence the FIR against the petitioner herein is liable to quashed.

5. In the result, the Criminal Original Petition is allowed, the FIR in Crime No.696 of 2018 is quashed. Consequently, connected miscellaneous petitions are closed.

15.11.2022

Index:Yes/No
Speaking Order : Yes / No
mka

To:

- 1.The Inspector of Police,
Kattoor Police Station,
Coimbatore City,
- 2.The Public Prosecutor,
High Court, Madras.

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DR.G. JAYACHANDRAN, J.

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