



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.02.2022

CORAM:

THE HON'BLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P. (MD)No.19604 of 2021

R.Ilamurugu Porchezhiyan

... Petitioner/Accused

Vs.

1. The State,

Rep. by Inspector of Police,
Battalagundu Police Station,
Dindigul District.

FIR :1155/ 2021

2. Selvin Francis

...Respondents/Complainant
/Defacto Complainant

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records relating to FIR in FIR No. 1155 of 2021 on the file of the 1st respondent and quash the same as against the petitioner and pass such further or other orders as this Hon'ble Court may deem fit and proper to pass in the circumstances of the case.

For Petitioner	: Mr.M.Karthikeya Venkitachalapathy
For Respondents	: Mr.B.Thanga Aravindh
For R1	Government Advocate (Criminal Side)
For R2	: No Appearance

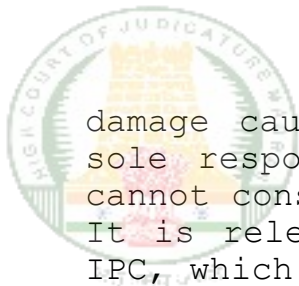
ORDER

This criminal original petition is filed to set aside the proceedings in FIR No.1155 of 2021 on the file of the first respondent.

2.Heard the learned counsel appearing on either side and perused the records.

3.The petitioner is the sole accused in Crime No.1155 of 2021 registered for the offence under Sections 505(ii) of IPC alleging that the petitioner for his personal gain, preached about his religion in general public and thereby caused nuisance and damage to the public peace by videographing the same.

4.On perusal of the alleged videograph produced by the petitioner, it reveals that the petitioner had grievance over the second respondent. In fact, the second respondent threatened with dire consequences to his life and limb and as if the petitioner recorded the statement in video form in which he expressed his fear and his life is in danger at the hands of the second respondent and his family members. Therefore, he expressed his opinion that if any



damage caused to his life and limb, the second respondent is the sole response for such damages. This type of personal statement cannot constitute the offence punishable under Section 505 (ii) IPC. It is relevant to extract the provision under Section 505 (ii) of IPC, which is as follows:-

"(2) Statements creating or promoting enmity, hatred or ill-will between classes:- Whoever makes, publishes or circulates any statement or report containing rumour or alarming news with intent to create or promote, or which is likely to create or promote, on grounds of religion, race, place of birth, residence, language, caste or community or any other ground whatsoever, feelings of enmity, hatred or ill-will between different religious, racial, language or regional groups or castes or communities, shall be punished with imprisonment which may extend to three years, or with fine, or with both."

5.The offence invoked under section 505(ii) of IPC is with regard to the statements creating or promoting enmity, hatred or ill-will between classes, particularly, promoting the same on the grounds of religion, race, place of birth, residence, language, caste or community or any other ground whatsoever, feeling of enmity, hatred or ill-will between different religious, racial, language or regional groups or castes or communities.

6.As stated above, the contents of the complaint are not at all attracted any of the ingredients as required to attract the offence under Section 505(ii) IPC. Thus, it is manifestly clear that the ingredients of section 505(ii) does not attract the case on hand. Hence, I am of the opinion that initiation of the case against the petitioner for the offence punishable under Section 505 (ii) of IPC is nothing, but an abuse of process of law and is liable to be set aside.

7.Accordingly, this Criminal Original Petition is allowed and the proceedings in Crime No.1155 of 2021 is quashed as against the petitioner is concerned.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

cp

To:

1. The Inspector of Police,
<https://hcservices.ecourts.gov.in/hcservices/>



Battalagundu Police Station,
Dindigul District.

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

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+1 CC to M/s.M.KARTHIKEYA VENKITACHLAPATHY, Advocate (SR-5464[F]
dated 10/02/2022)

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SR (CO)
KB (05.03.2022) 3P 4C