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Crl.O.P.Nos.31538 of 2019 and 2570 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.10.2023

CORAM:

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

Crl.O.P.Nos.31538 of 2019 and 2570 of 2021
and Crl.M.P.Nos.17292, 17293 of 2019 and 1389 of 2021

1. P.Pugalenthil ... Petitioner in **Crl.O.P.No.31538 of 2019**
2. T.Ilavarasan ... Petitioner in **Crl.O.P.No.2570 of 2021**

Vs.

1. State by: The Inspector of Police,
Ariyalur Police Station,
Ariyalur District.
(Crime No.480 of 2018)

2. Pasumathi
Revenue Inspector,
Ariyalur District,
Ariyalur.

... Respondents in **both Crl.O.Ps**

Common Prayer: Criminal Original Petitions filed under Section 482 of Code of Criminal Procedure, to call for the records of the C.C.No.124 of 2019 on the file of the Judicial Magistrate Court No.1, Ariyalur and quash the same.

In Crl.O.P.No.31538 of 2019

For Petitioner : Mr.Radha Krishnan
for M/s S.Nadhiya
For Respondents : Mr.A.Gopinath
Government Advocate (Crl. Side)



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In Crl.O.P.No.2570 of 2021

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For Petitioner : Mr.R.Sankarasubbu
For Respondents : Mr.A.Gopinath
Government Advocate (Crl. Side)

COMMON ORDER

These Criminal Original Petitions have been filed calling for the records of the C.C.No.124 of 2019 on the file of the Judicial Magistrate Court No.1, Ariyalur and to quash the same.

2. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl. Side) for the respondents.

3. There are totally three accused, in which the petitioner in Crl.O.P.No.2570 of 2021 is arrayed as first accused and the petitioner in Crl.O.P.No.31538 of 2019 is arrayed as second accused. The case of the prosecution is that the defacto complainant lodged a complaint alleging that the first accused had distributed a calendar at Ariyalur and some words were printed in the calendar which allegedly promoted enmity between different groups and it also created law and order problems. Based on the complaint, the



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first respondent registered an FIR in Crime No.480 of 2018 under Sections 153(B) and 505(1)(b) of IPC against the accused persons. After completion of investigation, the first respondent filed a final report and the same has been taken cognizance in C.C.No.124 of 2019 on the file of the Judicial Magistrate Court No.1, Ariyalur.

4. There are totally three accused, in which the petitioners are arrayed as A1 and A2. The statements found in the calendar are derogatory intended to promote enmity among the public and it would create law and order problem in the locality. According to the case of the prosecution, the confession statement of the accused revealed that the calendar was printed and issued for sale by the second accused. The third accused is running a book shop in Tiruvannamalai. He had purchased the said book from Vallalar Printers of Tiruvannamalai. Therefore, he is arrayed as A3. Therefore, on the confession statement of the first accused, other two accused have been implicated as accused.

5. The second accused is an Advocate and he is practising as an Advocate. In order to attract the offences as alleged by the prosecution, there is



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no evidence to the effect that the petitioners had published and distributed the calendar for sale. Mere publishing of photos of the members of banned organization is not a punishable offence. Even according to the case of the prosecution, on the confession statement of the first accused, they filed a final report alleging that the first accused knows about the words printed in the calendar about the banned organization. Therefore, the author of the calendar is not arrayed as an accused. That apart, they have not acted prejudicial to the maintenance of harmony between different religious, racial, language or regional groups or castes or communities, and which disturbs or is likely to disturb the public tranquillity. Therefore, no charge is made out as against the petitioners and the entire proceedings is liable to be quashed.

6. Accordingly, the proceedings in C.C.No.124 of 2019 on the file of the Judicial Magistrate Court No.1, Ariyalur, is hereby quashed. These Criminal Original Petitions are allowed. Consequently, connected Miscellaneous petitions are closed.

03.10.2023

Internet : Yes / No

Index : Yes / No

Speaking / Non Speaking order



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G.K.ILANTHIRAIYAN, J.

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To

1. The Judicial Magistrate Court No.1, Ariyalur.
2. The Inspector of Police,
Ariyalur Police Station,
Ariyalur District.
3. The Public Prosecutor,
High Court of Madras.

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and 2570 of 2021