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Crl.O.P.No.1299 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2024

CORAM

THE HON'BLE MR. JUSTICE P.VELMURUGAN

Crl.O.P.No.1299 of 2024

and

Crl.M.P.Nos.948 & 950 of 2024

C.Ve.Shanmugam

... Petitioner

Vs.

1. State represented by
The Inspector of Police,
Auroville Police Station,
Villupuram District.

2. S.Nadhamani

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C.,
to call for the records and quash the proceedings against the petitioner in
S.T.C.No.1194 of 2023 pending on the file of the Judicial Magistrate
No.1, Villupuram.

For Petitioner : Mr.R.John Sathyan, Senior Counsel
for Mr.M.Mohamed Riyaz

For R1 : Mr.S.Vinoth Kumar
Government Advocate (Crl.Side)



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ORDER

This Criminal Original Petition has been filed to call for the records and quash the proceedings against the petitioner in S.T.C.No.1194 of 2023 pending on the file of the Judicial Magistrate No.1, Villupuram.

2. Heard the learned Senior Counsel appearing on behalf the petitioner and the learned Government Advocate (Crl.Side) appearing for the first respondent Police and perused the materials available on record.

3. Since no adverse order is passed against the private respondent, notice to the private respondent is dispensed with.

4. The learned Senior Counsel appearing for the petitioner submitted that the alleged occurrence took place on 18.09.2022, whereas, the case was registered only on 06.10.2022, after much deliberations. The petitioner, along with party members organized a public meeting on 18.09.2022 for commemorating the Founder's Birthday



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and at that time, they spoke about the present Government policies. The same may not cause any hindrance or disturbance to the public peace. The petitioner has been falsely implicated in the case for the only reason that he belonged to the opposition party. The complaint has been lodged as against the petitioner only upon instructions by the ruling party.

5. The learned Government Advocate (Crl.Side) appearing for the first respondent submitted that the petitioner, along with others, had delivered derogatory speech as against the Chief Minister of Tamil Nadu. He further submitted that shorthand script is available with the police to show that the petitioner has delivered the derogatory speech. Hence, he prayed for dismissal of the petition.

6. Admittedly, the date of occurrence is 18.09.2022, whereas, F.I.R was registered by the first respondent/ Police only on 06.10.2022. Even in the F.I.R, it is stated that the complainant heard the derogative statements made by the petitioner against the Chief Minister and his Government and hence after discussions with the members of the party



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and due deliberations, he has given the complaint before first respondent/Police. There is no proof available to show that the petitioner had spoken as mentioned in the F.I.R. Further, there is no recording of speech, nor any other material is available against the petitioner, except the shorthand note scripts, which is not a primary evidence as per the Indian Evidence Act.

7. Under the above facts and circumstances of the case and considering the fact that the F.I.R was registered without any proof that the petitioner had spoken any derogatory speech, with the only evidence being shorthand notes and the F.I.R being registered after deliberations, this Court will not encourage such an attitude of the first respondent police. The action of the first respondent/police is deprecated.

8. The speech of a person belonging to any political party when made in the public, can have a significant impact on the younger generation. A person should refrain from speaking in a disrespectful manner before the general public. The learned Senior Counsel appearing



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on behalf of the petitioner is directed to advise his client that when speaking in the public, he must do so as a responsible person of the society.

9. In view of the above, the pending proceedings as against the petitioner in S.T.C.No.1194 of 2023 on the file of the Judicial Magistrate No.1, Villupuram. shall stand quashed. Accordingly, the Criminal Original Petition is allowed. Consequently, connected miscellaneous petitions are closed.

22.11.2024
(3/3)

mfa
Index: Yes/No
Speaking Order: Yes/No
Neutral Citation: Yes/No

P.VELMURUGAN, J.



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