



Crl.O.P.No.5336 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.03.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.5336 of 2023
and Crl.M.P.Nos.3355 & 3356 of 2023

K.Satheshkumar

... Petitioner

Vs.

1. The Inspector of Police,
Cyber Crime Cell,
Central Crime Branch,
Vepery, Chennai 600 007.

2. G.Ramachandran

... Respondents

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 to call for the records pertaining to the Charge Sheet in C.C.No.2435 of 2020 on the file of the XI Metropolitan Magistrate, Saidapet, Chennai and quash the same.

For Petitioner : Mr.R.Prabakar



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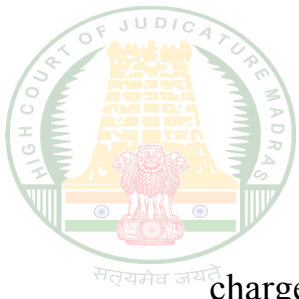
For R1

: Mr.R.Vinothraja
Govt.Advocate.

ORDER

This Criminal Original Petition has been filed call for the records pertaining to the Charge Sheet in C.C.No.2435 of 2020 on the file of the XI Metropolitan Magistrate, Saidapet, Chennai and quash the same.

2. The case of the prosecution is that on 04.10.2016, at about 11.10 a.m, the 2nd respndent while scrolling the postings in a face book in his laptop, noticed the postings about the health conditions of the Chief Minister. Then one face book posting named “ Sathez.Sharmaa” shared the posting which was already in the face book post in the name of Tamilachi dated 29.09.2016. For the above said posting, the petitioner posted message that “Is it true Chief Minister of Tamilnadu J.Jayalalitha dead on 29.09.2016. Again on 02.10.2016 shared another posting that “Whether the Government will clarify it. On the basis of the above said allegations, the respondent police registered the complaint and filed a



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charge sheet against the petitioner and others for the offences under Sections 153, 505(1)(b), 505(1)(c) & 505(2) of IPC in C.C.No.2435 of 2020 on the file of the learned XI Metropolitan Magistrate, Saidapet, Chennai.

3. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

4. On perusal of the records would show that the petitioner did not post the said message. In fact, it was posted for some other persons and the petitioner had questioned the authenticity. Further, the petitioner neither endorsed the message to be true and with intention shared to create hatred, the petitioner himself has questioned the authenticity of the posting which was already in domain. Thereafter, the petitioner has posted the message that since the message is spreading everywhere, the Government will have to clarify. None of the message was posted by the petitioner. The posting of the said message no way incite communal violence, since the petitioner himself had questioned the authenticity of



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very same message. Therefore, no offence is made out. Further, there is absolutely no provocation and no intent to cause riot, there is no iota of material in the charge sheet to that effect. Hence, no offence is made out against the petitioner under Section 153 of IPC. Further, the offence under Sections 505(1)(b) & (c) also are not attracted since there is no intent as mentioned to attract the said offence. Besides the exception, it is clarified that, if there is a responsible ground to believe and publication is made in good faith, the offence is not attracted. No publication was made by the petitioner, he in fact questioned the authenticity of the said message. Therefore, none of the offence is attracted as against the petitioner.

5. Considering the above, this Court finds that the entire proceedings initiated as against the petitioner under Sections **153, 505(1)(b), 505(1)(c) & 505(2) of IPC** cannot be sustained and liable to be quashed.



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6. Accordingly, the Criminal Original Petition stands allowed and the proceedings in C.C.No.2435 of 2003 on the file of the XI Metropolitan Magistrate, Saidapet, Chennai is hereby quashed. Consequently, connected miscellaneous petitions are closed.

26.03.2025

Neutral citation : Yes/No
Speaking/non-speaking order
kkd

To

1. The Inspector of Police,
Cyber Crime Cell,
Central Crime Branch,
Vepery, Chennai 600 007.
- 2.XI Metropolitan Magistrate,
Saidapet, Chennai.
3. The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN, J.

kkd

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