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Crl.O.P.No.5363 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.08.2025

CORAM :

THE HONOURABLE MR.JUSTICE M.S.RAMESH
AND
THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Crl.O.P.No.5363 of 2021

T.Vetrithamilan

...Petitioner

Vs.

1.State by The Inspector of Police,
B-2, Vishnukanchi Police Station,
Kanchipuram District.

2.Laksmipathy

...Respondents

Prayer: Petition filed under Section 482 of Cr.P.C. praying to call for the records in Cr.No.550 of 2016 on the file of the 1st respondent and quash the same in respect of the petitioner.

For Petitioner : Mr.P.Pugalenth

For R1 : Mr.E.Raj Thilak,
Additional Public Prosecutor



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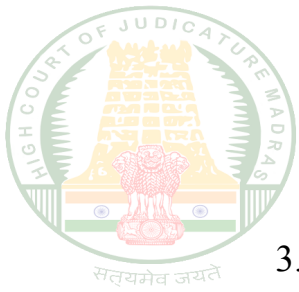
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ORDER

(Order of the Court was made by *M.S.RAMESH, J.*)

The present petition is filed under Section 482 of Criminal Procedure Code (Cr.P.C.) to quash the First Information Report (F.I.R.) in Crime No.550 of 2016.

2. In the complaint culminating to the F.I.R., it is stated that a book titled 'தோழர் லெனினும் தமிழ்த்தேச விடுதலைக்களமும்' written and published by one Senthamizh Kumaran was released in a book release function presided over by the petitioner. Since the contents of the book had derogatory statements against the Police, Central Government, etc., which amounted to sedition, the petitioner, along with two others, were implicated of having committed the offence under Sections 120(B), 124(A), 153-A(1)(a)(b)(c) of Indian Penal Code (IPC) and Section 12 of the Press and Registration of Books Act, 1867 and Section 10, 13(1)(a)(b)(2) of the Unlawful Activities (Prevention) Act, 1967. All the aforesaid offences revolve around the main offence, namely sedition, punishable under Section 124(A) of IPC.



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3. The Hon'ble Supreme Court, in the case of **S.G.Vombatkere Vs.**

Union of India reported in (2020) 7 SCC 433, had recorded that the rigors of Section 124(A) of IPC was not in tune with the current social milieu and was intended for a time when this country was under the colonial regime. The relevant portion of the order reads as follows:-

“8. In view of the clear stand taken by the Union of India, we deem it appropriate to pass the following order in the interest of justice:

8.1. *The interim stay granted in WP (Crl.) No. 217 of 2021 along with WP (Crl.) No. 216 of 2021 vide order dated 31-5-2021 [Aamoda Broadcasting Co. (P) Ltd. v. State of A.P., (2022) 7 SCC 437] shall continue to operate till further orders.*

8.2. *We hope and expect that the State and Central Governments will restrain from registering any FIR, continuing any investigation or taking any coercive measures by invoking Section 124-AIPC while the aforesaid provision of law is under consideration.*

8.3. *If any fresh case is registered under Section 124-AIPC, the affected parties are at liberty to approach the courts concerned for appropriate relief. The courts are requested to examine the reliefs sought, taking into account the present order passed as well as the clear stand taken by the Union of India.*

8.4. *All pending trials, appeals and proceedings with respect to the charge framed under Section 124-AIPC be kept in abeyance. Adjudication with respect to other sections, if any, could proceed if the courts are of the opinion that no prejudice would be caused to the accused.*



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8.5. In addition to the above, the Union of India shall be at liberty to issue the directive as proposed and placed before us, to the State Governments/Union Territories to prevent any misuse of Section 124-AIPC.

8.6. The above directions may continue till further orders are passed.”

4. Since all the other offences revolve around the statements in the complaint attracting Section 124(A) of IPC, it would not be appropriate for the Police authorities to proceed with the same.

5. In the light of the above findings, the impugned F.I.R.No.5500 of 2016 on the file of the 1st respondent, stands quashed. Accordingly, the Criminal Original Petition stands allowed. No costs.

[M.S.R, J.]

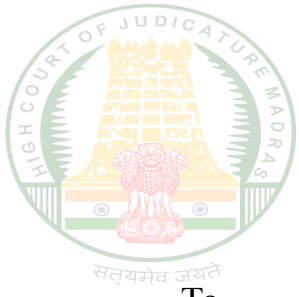
[V.L.N, J.]

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Index: Yes/No

Speaking order/Non-speaking order

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To
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1.The Inspector of Police,
B-2, Vishnukanchi Police Station,
Kanchipuram District.

2.The Public Prosecutor,
High Court of Madras.



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M.S.RAMESH, J.
and
V. LAKSHMINARAYANAN, J.

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