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W.P.(Crl.) Nos.1 of 2025 and 610 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.09.2025

CORAM:

THE HON'BLE MR.JUSTICE N. SATHISH KUMAR

W.P.(Crl.) Nos.1 of 2025 and 610 of 2025

and

WPMP (Crl.) Nos.50017, 50752, 50224, 50753, 51886, 50227, 50390,
50398, 50833, 50350, 50351, 50386 and 52034 of 2025 and
WPMP (Crl.) 286 of 2025

In W.P.(Crl.) No.1 of 2025

Suo Motu WP

Vs.

1.The Director General of Police-Tamil Nadu
Kamarajar Salai,
Chennai – 600 004

2. The Commissioner of Police
Greater Chennai, Chennai – 600 007

... Respondents

Prayer: Suo Motu initiated for a Writ of Mandamus directing the respondents to take action as per directions of the Hon'ble Supreme Court in W.P.No.943 of 2021, in letter and spirit against Thir.K.Ponmudi, Former Minister, Government of Tamilnadu, in regard to his speech in public gathering meeting organised by the Thanthai Periyar Dravida Kazhakam (TPDK) on 08.04.2025 and thereby file a report to this Court within a time fixed by this Court.



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For Petitioner in:

WMP SR.No.50017/2025 : Mr.S.Iyyapan
WMP SR.No.50224/2025 : M/s.B.Sruti
WMP SR.No.50227/2025 : M/s.R.K.Varshini
WMP SR.No.50350/2025 : Mr.G.Karthikeyan, S.C.for
M/s.K.Aravintha Bharathi
WMP SR.No.50351/2025 : Mr.G.Karthikeyan, S.C.for
M/s.K.Aravintha Bharathi
WMP SR.No.50386/2025 : M/s.L.Thanasingh
WMP SR.No.50390/2025 : M/s.L.Thanasingh
WMP SR.No.50398/2025 : M/s.R.Subramanian
WMP SR.No.50752/2025 : M/s.D.Kamatchi
WMP SR.No.50753/2025 : M/s.D.Kamatchi
WMP SR.No.50833/2025 : M/s.T.Jeyam
WMP SR.No.51886/2025 : M/s.V.Manisha
WMP SR.No.52034/2025 : M/s.Karthikeyan

For R1&R2 in W.P.(Crl.) No.1 of 2025 and
R1&R2 in WPMP(Crl.)Nos.50350, 50351, 50833,
51886, 52034/2025 and
R2&R3 in WPMP(Crl.)Nos.50017, 50224, 50227,
50386, 50390/2025 and
R2 to R4 in WPMP(Crl.)Nos.50398, 50752, 50753/2025
: Mr.P.S.Raman
Advocate General
Assisted by Mr.E.Raj Thilak
Additional Public Prosecutor

In W.P. (Crl.) No.610 of 2025

Mr.G.S.Mani

... Petitioner

Vs.

1. The Dy. Commissioner of Police
Central Crime Cell, Commissioner Office Campus,
Vepery, Chennai – 600 007



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2. Inspector of Police,
Cyber Crime PS, Central Crime Branch
Vepery, Chennai – 600 007

3. Mr.K.Ponmudi
Former Minister for Forest Dept.

... Respondents

PRAYER : Writ Petition (Criminal) filed under Article 226 of Constitution of India to issue a Writ of Certiorari Mandamus calling for the records of the 2nd respondent, Inspector of Police, Cyber Crime PS, Central Crime Branch, Chennai in Ref: C.No.499/CCB/DC-IV/Camp/2025 dated 23.07.2025, set aside the same and direct the 1st and 2nd respondents police to hand over the criminal investigation against 3rd respondent, Former Minister, Mr.K.Ponmudi to an independent agency viz. SIT or CBI for free and fair further investigation on petitioner's police complaint dated 11.04.2025.

For Petitioner : Mr.G.S.Mani (appeared in person)

For Respondents 1 & 2 : Mr.P.S.Raman
Advocate General
Assisted by Mr.E.Raj Thilak
Additional Public Prosecutor



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ORDER

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This Court has taken suo motu cognizance after noticing the alleged hate speech made by the Former Minister Thiru.Ponmudi as per the directions of the Hon'ble Apex Court in *Pravasi Bhalai Sangathan vs Union of India* reported in (2014) 11 SCC 477 and also W.P.No.943 of 2021 vide order dated 28.04.2023.

2. The Writ Petition in W.P.No.610 of 2025 has been filed by the petitioner challenging the closure report filed by the 2nd respondent in Ref: C.No.499/CCB/DC-IV/Camp/2025 dated 23.07.2025 and to direct the 1st and 2nd respondents police to hand over the criminal investigation against 3rd respondent, Former Minister, Mr.K.Ponmudi to an independent agency viz. SIT or CBI for free and fair further investigation on petitioner's police complaint dated 11.04.2025.

3.Now the stand of the State is that the police investigated the matter and found that the speech is only the replica of the earlier speech made in the revolution movements in the year 1975.



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4. Be that as it may. Now this Court is not venturing into the factual aspects and merits of the case. It appears that the closure report had also been served to the defacto complainants. One of the complainants submits that they have already filed a private complaint before the XVIII Metropolitan Magistrate, Saidapet and now the same has been transferred to the Special Court dealing with the Cases against MPs and MLAs case.

5. In such view of the matter, let the complainants proceed with the private complaint filed against the hate speech allegedly spoken by the Former Minister.

6. Liberty is also granted to the complainants to challenge the closure report before the concerned Magistrate.

7. Further, a similar closure report was already challenged before the Division Bench of this Court in W.P.No.11689 of 2025 and the Division Bench by an order dated 23.04.2025 dismissed the same granting liberty to challenge the rejection order in the manner known to law.

8. Similarly, in W.P.No.11435 of 2025, a learned Single Judge of this Court, closed the writ petition granting liberty to the petitioner therein to



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challenge the closure report in the manner known to law.

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9. In this regard, it is relevant to refer the judgment of the Hon'ble Apex Court in the case of ***Imran Pratapgadhi Vs. State of Gujarat*** reported in ***2025 SCC Online 678*** wherein, it has been held that;

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(i)..

(ii) *Under sub-Section (3) of Section 173 of the BNSS, after holding a preliminary inquiry, if the officer comes to a conclusion that a prima facie case exists to proceed, he should immediately register an FIR and proceed to investigate. But, if he is of the view that a prima facie case is not made out to proceed, he should immediately inform the first informant/complainant so that he can avail a remedy under sub-Section (4) of Section 173.*

10. Considering the above facts and circumstances, both the Writ Petitions are closed. Liberty is granted to the complainants to challenge the closure report and also to file private complaints before the Magistrate concerned. Consequently, the connected Miscellaneous Petitions are closed.

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Index:Yes/No

Speaking/Non-speaking order

Neutral Citation:Yes/No



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To

1. The Deputy Commissioner of Police
Central Crime Cell, Commissioner Office Campus,
Vepery, Chennai – 600 007
2. Inspector of Police,
Cyber Crime PS, Central Crime Branch
Vepery, Chennai – 600 007
3. The Public Prosecutor
High Court of Madras, Chennai



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N. SATHISH KUMAR, J.

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