



Crl.O.P.No.25761 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2025

CORAM:

THE HON'BLE MR.JUSTICE N. SATHISH KUMAR

Crl.O.P.No.25761 of 2025 and
Crl.M.P.Nos.17483 and 17485 of 2025

T.Thirumavalavan

... Petitioner

Vs.

1. The State

Represented by Inspector of Police

Jayankondam Police Station

Ariyalur District

(Crime No.156 of 2023)

2. S.Elangovan

Sub Inspector of Police

Jayankondam Police Station

Ariyalur District

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of B.N.S.S. to call for the records in C.C.No.426 of 2024 on the file of learned Judicial Magistrate No.1, Jayankondam, Ariyalur District and quash the same.

For Petitioner : Mr.K.Balu

For Respondent : Mr.R.Vinothraja
Government Advocate (Crl. Side)



CrI.O.P.No.25761 of 2025

ORDER

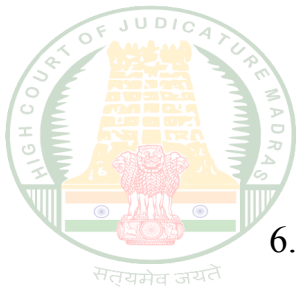
WEB COPY This Criminal Original Petition has been filed to quash the proceedings in C.C.No.426 of 2024 on the file of learned Judicial Magistrate No.1, Jayankondam, Ariyalur District, for the offences under Sections 153(A) and 505(2) of IPC.

2. Heard the learned counsel for the petitioner and perused the materials available on record.

3. The learned Government Advocate (CrI. Side) appearing for the first respondent seeks time to file counter. However, this Court is of the view that no counter is required for the manner in which the final report is filed.

4. The crux of the allegation against the petitioner/accused is that in a public meeting inside a Wedding Hall, he gave a speech inciting Vanniyar community to act against the scheduled caste community and except this statement, there is no material what so ever is filed.

5. Mere a statement uttered in a public meeting conducted inside a Hall, would not attract the offence under Section 124A IPC as long as it does not incite public violence or is not against the government established by law or such a statement is made without the intention to incite public disorder.



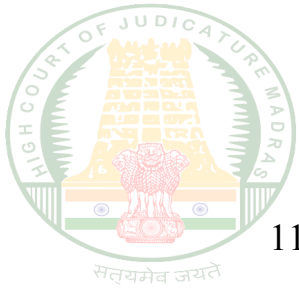
6. Similarly, in the absence of any details as to the nature of speech, the offence under Section 153A IPC cannot be pressed into service. To attract the offence under Section 153A of IPC, there must be a promotion of enmity, hatred, or ill-will between two groups of different religious irrespective of religion, race, place of birth, residence, language, caste or community. It is necessary that at least two distinct groups or communities must be involved. Mere expression of some grievance to take action against a certain group, would not attract the offence under Section 153A IPC.

7. Similarly, Section 505(2) of IPC deals with statements conducing to public mischief, which involves making, publishing, or circulating statements or rumors that are likely to cause public mischief.

8. In the present case, even the nature of speech uttered by the petitioner, is not recorded in the statements as well as in the final report.

9. Therefore, this Court is of the view that the offences under Sections 153(A) and 505(ii) of IPC are not made out and continuing the final report, would not serve any purpose.

10. Hence, the final report filed against the petitioner in C.C.No.426 of 2024 on the file of learned Judicial Magistrate No.1, Jayankondam, Ariyalur District, is quashed.



CrI.O.P.No.25761 of 2025

11. Accordingly, this Criminal Original Petition is allowed.

WEB COPY Consequently, the connected Miscellaneous Petitions are closed.

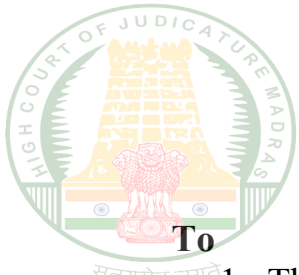
19.09.2025

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Index:Yes/No

Speaking/Non-speaking order

Neutral Citation:Yes/No



CrI.O.P.No.25761 of 2025

To

WEB COPY

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



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Crl.O.P.No.25761 of 2025

N. SATHISH KUMAR, J.

ksa-2

Crl.O.P.No.25761 of 2025

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