



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-09-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL RC No. 2111 of 2023

and

CrI.M.P.No.19249 of 2023

1. SEEMAN

S/O. Senthamizan, Chief Co Ordinator,
Naam Tamilar Katchi, NO.5, 2nd Cross
street, Chinna Neelankarai, Chennai.

Petitioner(s)

Vs

State Rep. By
Inspector Of Police
J13, Taramani Police station,
Law and Order, Chennai.
Cr.NO. 1274/2018.

Respondent(s)

PRAYER

Criminal Revision Case is filed under Section 397 r/w 401 of Cr.P.C. praying to call for the records relating in CrI.Mp. 9927/2022, in CC.No. 3757/2019 dated 14.09.2023 by the learned XVIII Metropolitan Magistrate Court, Saidapet, Chennai and set aside the same against the petitioner.



For Petitioner(s): Mr.R.John Sathyan, Senior
counsel for
M/s. S.Xavier Felix

For Respondent(s): Dr.C.E.Pratap
Government Advocate (Crl.Side)

ORDER

The petitioner was charged under Section 153, 153A (i)(a)(b), 504, 505(1)(b)(c) & 505(2) of IPC. He filed an application under Section 239 Cr.P.C. seeking discharge from the framed charges. The said application was strongly opposed by the prosecution, and after hearing the submissions on both sides, the trial court dismissed the application, holding that at the preliminary stage, it cannot be concluded whether the petitioner's speech delivered in public caused any disturbance in society or not. Aggrieved by the said order, the accused/petitioner has preferred this revision.



2. The learned counsel for the petitioner submitted that the petitioner is the leader of one of the political parties and that on the date of the alleged occurrence, a public meeting was organized on the National Highway at OMCA, Chennai, under the name “*Ezhicee Podhu kootam*”. The main object of the meeting was to raise objections against the proposed eight-lane road project in Tamil Nadu. The petitioner, being the political leader, organized the meeting and expressed his views on the subject. He did not have any malafide or malicious intention to disturb public tranquillity. However, with ulterior motives, a false complaint was lodged without any prima facie material. Subsequently, a final report was filed against him by implicating him under the above charges. It was further submitted that there is neither any prima facie material nor any proof to establish any malafide intention on the part of the petitioner. Without appreciating this vital aspect, the trial court dismissed the discharge application. Hence, the petitioner prays to set aside the said order.

3. The learned Government Advocate (Criminal Side) appearing for the respondent police raised strong objections. He submitted that on the date of the



meeting, the petitioner had violated all the rules and procedures and, with a malafide intention to disrupt public order, delivered a speech which was also recorded by the respondent police. Based upon the prima facie materials and the alleged inflammatory speech made by the petitioner, an FIR was lodged and a final report was filed. Therefore, at this stage, the petitioner cannot be discharged from the charges, as rightly held by the trial court. Hence, the prosecution prayed for the dismissal of the revision petition, stating that it has no merits.

4. The learned counsel for the petitioner, by relying upon the ratio laid down in “Javed Ahmad Hajam Vs. The State of Maharashtra & another” reported in 2024 INSC 187, stated as follows:

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8.It is of utmost importance to keep all speech free in order for the truth to emerge and have a Civil Society.” - Thomas Jefferson. Freedom of speech and expression guaranteed by Article 19(1)(a) of the Constitution is a very valuable fundamental right. However, the right is not absolute. Reasonable restrictions can be placed on the



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right of free speech and expression in the interest of Sovereignty and integrity of India, Security of the State, friendly relations with foreign states, public order, decency or morality or in relation to contempt of Court, defamation or incitement to an offence.....”

10. In the case of Manzar Sayeed Khan, this Court has read “intention” as an essential ingredient of the said offence. The alleged objectionable words or expressions used by the appellant, on its plain reading, cannot promote disharmony or feelings of enmity, hatred or ill-will between different religious, racial, language or regional groups or castes or communities. The Whats app status of the appellant has a photograph of two barbed wires, below which it is mentioned that “August 5 – Black day – Jammu & Kashmir”. This is an expression of his individual view and his reaction to the abrogation of Article 370 of the Constitution of India. It does not reflect any intention to do something which is prohibited under Section 153-A. At best, it is a protest, which is a part of his freedom of speech and expression guaranteed by Article 19(1)(a). Every citizen of India has a right to be critical of the action of abrogation of Article 370 and the change of status of Jammu and Kashmir. Describing the day the abrogation happened as a “Black Day” is an expression of protest and anguish. If every criticism or protest of the actions of the State is to be held as an offence under Section 153-A, democracy, which is an essential feature of the constitution of India,



will not survive. The right to dissent in a legitimate and lawful manner is an integral part of the rights guaranteed under Article 19(1)(a). Every individual must respect the right of others to dissent. An opportunity to peacefully protest against the decisions of the Government is an essential part of democracy. The right to dissent in a lawful manner must be treated as a part of the right to lead a dignified and meaningful life guaranteed by Article 21. But the protest or dissent must be within four corners of the modes permissible in a democratic set-up. It is subject to reasonable restrictions imposed in accordance with clause (2) of Article 19. In the present case, the appellant has not at all crossed the line.”

5. The learned counsel for the petitioner further argued that intention is an essential ingredient of the offence under Section 153A IPC. However, the prosecution has failed to establish any such malafide intention while filing the final report. There is no prima facie proof of *mens rea* on the part of the accused. Therefore, the petitioner is entitled to be discharged from the said charges.

6. Admittedly, the petitioner was charged under Sections 153, 153A (i)(a)(b), 504, 505(1)(b)(c) & 505(2) of IPC. In all these offences, the intention



of the accused is the primary ingredient. On perusal of the final report, it is seen that on the date of the meeting, the petitioner, being the political leader, made a speech raising objections to the formation of the eight-lane road project in Tamil Nadu, stating that its implementation would adversely affect the natural resources of the State. Thus, he merely expressed his views on a public issue.

It is also admitted that after the said meeting, there was no disturbance to public peace or tranquillity. There is no material produced by the prosecution to show that the petitioner's speech resulted in any public agitation or disharmony. Hence, there is no prima facie proof to establish that the speech was intended to promote enmity or disturb public order.

7. Therefore, the entire speech, when read in its context, reveals that the petitioner only expressed his opinion opposing the project in Tamil Nadu, with the intention of protecting the natural resources of the State. There is no ingredient to attract the offences under Section 153A or 506(i) IPC.



8. This Court finds merit in the petitioner's contention, and the ratio laid down in the decisions relied upon by the petitioner squarely applies to the facts of this case.

9. Accordingly, the Criminal Revision Case is allowed, and the petitioner is discharged from the charges framed against him.

26-09-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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1.The Inspector Of Police
J13, Taramani Police station, Law and
Order, Chennai. Cr.NO. 1274/2018.

2.The XVIII Metropolitan Magistrate
Court, Saidapet, Chennai.

3.The Public Prosecutor,
High Court of Madras.



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T.V.THAMILSELVI J.
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