



Crl.O.P.No.30182 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2025

CORAM:

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.30182 of 2025
and
Crl.M.P.Nos.20616 & 20617 of 2025

K.Ashok,
S/o Karunakaran

... Petitioner

Vs.

State rep. By
The Inspector of Police,
Cyber Crime Police Station (Delta-2)
Central Crime Branch,
Greater Chennai Police,
Vepery,
Chennai 600 007

..Respondent

PRAYER : Criminal Original Petition filed under Section 528 of BNSS
2023 to call for the records in C.C.No.1750 of 2025 pending before the
Hon'ble XI Metropolitan Magistrate, Saidapet, Chennai and quash the same.

For Petitioner : Mr.A.Kumaraguru

For Respondent : Mr.K.M.D.Muhilan
Addl.Public Prosecutor



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ORDER

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This Criminal Original Petition has been filed seeking to quash the proceedings in C.C.No.1750 of 2025 pending before the XI Metropolitan Magistrate, Saidapet, Chennai.

2. The case of the prosecution is that the complainant, Ms.K.Geetha (WPC 59305) D/o Kumaraguru, from the Social Media Cell, Intelligence Station, Greater Chennai Police, reported on 05.11.2024 that an objectionable video had been observed on 'X' (formerly known as Twitter), falsely posted by the Twitter handle, K.Ashok [adv@askhok777_kalam](https://x.com/adv@askhok777_kalam). The handle had tweeted three videos on 06.08.2024, 1) Archive Link directed to: [https://x.com/ ashok777_kalam/status/1820832745758548057](https://x.com/ashok777_kalam/status/1820832745758548057) (posted on 06.08.2024) 2) Archive Link directing to: [https://x.com/ashok777_kalam/status/ 1821101243428745264](https://x.com/ashok777_kalam/status/1821101243428745264) (posted on 07.08.2024) 3) Archive Link directed to: [https://x.com/ ashok777_kalam/status/ 1821832469466714500](https://x.com/ashok777_kalam/status/1821832469466714500) (posted on 09.08.2024). These posts contained misleading remarks about the Muslim community, including references to a fire accident in Bangladesh in July 2024, a riot in Sathkira town involving Awami League leads and criticism related to the drowning of a person who was mistakenly identified as Hindu but was in fact Thaksil Kajol, a Muslim. The posts appeared to be circulated with the intent to misrepresent facts,



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malign the Muslim community and incite communal tension and discrimination between religious groups. The complainant requested urgent intervention to prevent further dissemination of such harmful content on social media platforms.

3. Based on the complaint, an FIR was registered in Cr.No.283/2024 u/s 196(1)(a), 353(1)(c) and 353(2) of the BNS 2023 on 05.11.2024 at 19:00 hrs and the case was taken up for investigation, following which, a final report was filed. Challenging the final report, the present Criminal Original Petition has been filed.

4. Mr.A.Kumaraguru, learned counsel for the petitioner, would submit that the petitioner had uploaded a video of an incident that had happened in Bangladesh with a comment that it is the plight of the Hindus in Bangladesh. He would further submit that the Government of Bangladesh had also accepted the incident and a statement was also given in the Parliament by the Hon'ble Minister for External Affairs, Dr.S.Jaishankar, that temples were also attacked in multiple locations during the riot. Learned counsel would further submit that other than that, the petitioner has not given any provocative message and no incident had been reported in the final report and on account of the post, there was no law and order problem. He would further submit that the petitioner is an Advocate practising before

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this Court and he has also voluntarily filed an affidavit of undertaking expressing his remorse and unconditional apology in respect of uploading a video of an incident that happened in Bangladesh in his Twitter account. He would also submit that the petitioner holds utmost respect for all religious faiths and communities and the petitioner never had an intent to hurt the sentiments of any person or any class of persons or section or society. He would further submit that taking into consideration that no untoward incident had occurred and also taking into consideration, the affidavit of undertaking filed by the petitioner, the proceedings launched against him may be quashed.

5. Per contra, Mr.K.M.D.Muhilan, learned Additional Public Prosecutor would submit that the petitioner is practising as an Advocate before this Court and he had posted certain offensive comments in the social media with an intention to incite enmity between two groups. However, he would submit that no untoward incident had happened.

6. Heard the learned counsel on either side and perused the materials available on record.

7. In the present case, the petitioner has, in the tweet, espoused



the plight of Hindus in Bangladesh. Other than that, he has not made any reference to any other community or group.

8. At this juncture, this Court deems it appropriate to advert to the judgment of the Supreme Court in **Bilal Ahmed Kaloo vs. State of Andhra Pradesh [(1997) 7 SCC 431]**, wherein, it was categorically held that to attract the offences under Sections 153-A IPC (Section 196 of BNS) and 505(2) IPC (Section 353 of BNS), there should be at least two groups or communities involved and inciting the feeling one community or group without reference to any other community or group, cannot attract either of the two sections. The relevant paragraph from the said judgment reads thus:

“15. The common feature in both sections being promotion of feeling of enmity, hatred or ill will “between different” religious or racial or linguistic or regional groups or castes and communities, it is necessary that at least two such groups or communities should be involved. Merely inciting the feeling of one community or group without any reference to any other community or group cannot attract either of the two sections.” (emphasis supplied)

9. The aforesaid view in **Bilal Ahmed Kaloo, supra**, has been quoted with approval in **Manzar Sayeed Khan vs. State of Maharashtra & another (2007) 5 SCC 1**. Further, in this case, the petitioner, who is an advocate, has also expressed his remorse and filed an affidavit tendering his apology for his act.



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10. Taking into consideration the facts and circumstances of the case, the affidavit of undertaking filed by the petitioner and the judgments of the Supreme Court alluded to above, this Court is inclined to quash the proceedings in C.C.No.1750 of 2025 pending before the XI Metropolitan Magistrate, Saidapet, Chennai.

11. Accordingly, the proceedings in C.C.No.1750 of 2025 on the file of the XI Metropolitan Magistrate, Saidapet, Chennai, is hereby quashed. As a sequitur, this Criminal Original petition is allowed. The affidavit of undertaking filed by the petitioner shall form part of the records. Consequently, connected miscellaneous petitions are closed.

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vsi/cadf

Neutral Citation: Yes/No



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To

1. The Inspector of Police
T-19, Kelambakkam Police Station
Kelambakkam
Chennai – 603 103
2. The Public Prosecutor
High Court, Chennai.



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A.D.JAGADISH CHANDIRA, J.

vsi/cad

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