



WEB COPY



Crl.O.P.No.33751 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.12.2025

CORAM:

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

Crl.O.P.No.33751 of 2025
and Crl.M.P.No.23605 of 2025

Kishore @ Kishore K Swamy

... Petitioner

Vs.

1. The State of Tamil Nadu,
Represented by,
The Inspector of Police,
CCD-1, Chennai South Police Station.

2. Elamaran

... Respondents

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, to call for the records relating to Crime No.28 of 2025 dated 03.10.2025, on the file of the first respondent Police and to quash the same as illegal.

For Petitioner : Mr.M.V.Siddharth

For R1 : Mr.S.Santhosh
Government Advocate (Criminal Side)

ORDER

The present Criminal Original Petition has been filed seeking to quash the First Information Report registered in Crime No.28 of 2025, on



Crl.O.P.No.33751 of 2025

the file of the first respondent Police for the offences under Sections 296, 192, 196 and 353(2) of IPC and Section 67 of the Information Technology Act, 2000.

2. The case of the prosecution, as put forth by the *de facto* complainant, Elamaran is that while he was browsing social media, he came across several tweets posted by various persons containing wild and obscene allegations against a retired Judge, who had been appointed as a One-Man Commission, as well as against a sitting Judge of this Court who had passed orders in connection with the stampede that occurred during a political campaign at Karur on 27.09.2025. Based on the complaint given by the *de facto* complainant, a case in Crime No.28 of 2025 came to be registered by the first respondent police.

3. Learned counsel appearing for the petitioner submitted that even taking into consideration the entire materials on record at their face value, the averments made against the petitioner, in particular, do not make out a case for the alleged offences. He further submitted that this Court, vide judgment dated 21.11.2025, in Crl.O.P.No.28737 of 2025, in a similar factual situation, had quashed the First Information Report on the ground



that no preliminary enquiry had been conducted. Hence, he prayed to quash the First Information Report pending against the petitioner.

4. Per contra, the learned Government Advocate (Criminal Side) submitted that the present case was registered only after conducting a preliminary enquiry. He further submitted that certain obscene, stray and wild allegations were made against a retired Judge of this Court as well as a sitting Judge of this Court, who had passed orders regarding the incidents following the stampede during a political campaign conducted by a political party. He also submitted that the criticism made by the petitioner cannot be termed as fair or reasonable, as he had used vulgar and abusive language against the Judges. He further submitted that the petitioner is also involved in several other cases.

5. At this juncture, the learned counsel appearing for the petitioner submitted that the petitioner is ready to file an affidavit of apology and prayed for quashing the FIR.

6. In reply, the learned Government Advocate (Criminal Side) submitted that apart from the petitioner, who has been arrayed as A16, there



CrI.O.P.No.33751 of 2025

are several other accused in this case and that if such a leniency is shown to the petitioner, it would adversely affect the interests of the judiciary and the administration of justice.

7. Heard both sides and perused the materials available on record.

8. It is well-settled that while fair and reasonable criticism of a judicial decision is permissible in a constitutional democracy, any attempt to impute motives to a Judge or to suggest that a judgment was delivered under extraneous influence strikes at the very root of judicial independence and constitutes a criminal offence. The Supreme Court has repeatedly held that allegations of mala fides, bias, favouritism, ideological inclination or improper motive against a Judge, without unimpeachable material, scandalize the court and erode public confidence in the administration of justice. Therefore, attributing motive to a judgment or its author is not protected speech, it is an actionable offence in law. Further, the investigation is at a nascent stage and this Court is, therefore, not inclined to interdict the proceedings at this stage.



CrI.O.P.No.33751 of 2025

9. Accordingly, this Criminal Original Petition stands dismissed.

Consequently, the connected miscellaneous petition is also closed.

12.12.2025

Neutral Citation: Yes/No

ham

To

1. The Inspector of Police,
CCD-1, Chennai South Police Station.
2. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.33751 of 2025

A.D.JAGADISH CHANDIRA, J.

ham

**Crl.O.P.No.33751 of 2025
and Crl.M.P.No.23605 of 2025**

12.12.2025