



Crl.O.P(MD)No.4304 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 30.04.2025

CORAM

THE HONOURABLE MR.JUSTICE P. DHANABAL

Crl.O.P(MD)No.4304 of 2025
and Crl.M.P(MD) No.3051 of 2025

I.Kalantar Aasik Ahamadu
@ Kalanithar Asik Ahamed

... Petitioner

Vs

1. The State of Tamil Nadu,
Rep by the Inspector of Police,
Thondi Police Station,
Thondi, Thiruvadanai Taluk,
Ramanathapuram District.
Crime No.37/2025.

2. U.Syed Malunku

... Respondents

PRAYER: Criminal Original petition has been filed under Section 528 of BNSS to call for the records from the 1st respondent police FIR in Crime No.37/2025, on the file of the Thondi Police Station, Thiruvadanai Taluk, Ramanathapuram District and Quash the same as devoid of merits.

For Petitioner : Mr.R.L.Dhilipan Pandian

For Respondents : Mr.M.Sakthi Kumar (R1)
Government Advocate (Crl.Side)

Mr.G.Karuppasamy Pandian(R2)



Crl.O.P(MD)No.4304 of 2025

WEB COPY

ORDER

This Criminal Original Petition has been filed to quash the FIR in Crime No.37/2025, on the file of the Thondi Police Station, Thiruvadanai Taluk, Ramanathapuram District.

2.The learned counsel for the petitioner would submit that the first respondent had registered a case in Cr.No. 37 of 2025 for the offence under sections 92(a), 7(4)(d) of the Rights of Person with Disabilities Act, 2016 and 351(2) of BNS as against the petitioner, based on the false complaint lodged by the second respondent. As per the prosecution case, the defacto complainant and the petitioner are members in a WhatsApp group. The defacto complainant, who is having disability is running a Cool Drinks Business. One Mohamed Jiffrine belongs to his village was appointed as Vice President in Ikkiya Jamath, Thondi and the said message was circulated in the WhatsApp group. Therefore, the defacto complainant sent congratulations message through WhatsApp in the name of Thondi People Welfare Association on 08.02.2025 around 07.25p.m. On seeing the same, the petitioner sent a message threatening him and made slander message against his disability and also sent an



Crl.O.P(MD)No.4304 of 2025

audio message by humiliating him on his disability conditions and used the word “Disco”. The said audio was heard by his friends. On 09.02.2025, the defacto complainant circulated a message alleging that the petitioner had a criminal case for financial assistance for a fake Doctor through his WhatsApp account and he threatened the petitioner that he would post the same and affix it on the wall of Thondi village street. However, the case against the petitioner was quashed by this Court in Crl.O.P(MD) No.8322 of 2020, dated 04.08.2023. The petitioner is innocent and even as per FIR, only through WhatsApp, he sent a message to the defacto complainant, therefore, the offence under sections 92(a), 7(4)(d) of the Rights of Person with Disabilities Act, 2016 and 351(2) of BNS would not attract. Hence, it is liable to be quashed.

3.The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that based on the complaint lodged by the second respondent, the first respondent police has registered a case in Cr.No.37/2025 under sections 92(a), 7(4)(d) of the Rights of Person with Disabilities Act, 2016 and 351(2) of BNS as against the petitioner. The case is under investigation and the FIR was registered recently and the investigation is in budding stage. As per FIR,



CrI.O.P(MD)No.4304 of 2025

there are specific allegations available to constitute the offence as against the petitioner, therefore, the petition is liable to be dismissed.

4.The learned counsel for the second respondent would submit that the petitioner through WhatsApp message threatened him and also humiliating him on his disability condition and used the word “Disco” and also threatened him with dire consequences. Therefore, he lodged a complaint before the first respondent. In fact, the second respondent is a disabled person and the petitioner posted a message through WhatsApp. It needs an elaborate investigation on the side of respondent police and hence, the petition is liable to be dismissed.

5.Heard the learned counsels appearing on either side and perused the materials available on record.

6.The second respondent lodged a complaint against the petitioner, since he humiliated the defacto complainant on his disability condition and used the word “Disco” and also threatened him through WhatsApp. The first respondent has also registered a case based on the complaint of the 2nd respondent and the same is pending in Cr.No.37 of



Crl.O.P(MD)No.4304 of 2025

2025. The alleged FIR was registered only on 20.02.2025 and the same is under investigation. As per FIR, some ingredients are available to constitute the offence as against the petitioner, Therefore, the first respondent has to conduct a proper investigation. At this stage, investigation cannot be curtailed and the petitioner cannot seek the relief at the stage of FIR. Hence, it is deserves to be dismissed.

7.Accordingly, this petition is dismissed. Consequently, connected miscellaneous petition is closed.

30.04.2025

Internet :Yes
Index :Yes/No
NCC :Yes/No
PNM

To
1. The Inspector of Police,
Thondi Police Station,
Thondi, Thiruvadanai Taluk,
Ramanathapuram District.
Crime No.37/2025.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl.O.P(MD)No.4304 of 2025

P. DHANABAL, J.

PNM

ORDER IN
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and Crl.M.P(MD) No.3051 of 2025

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