



Crl.OP(MD)No.9409 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.12.2025

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.O.P.(MD).Nos.9409 of 2024

and

Crl.M.P.(MD).Nos.6434 of 2024

Kaavi Kalaiarasan

... Petitioner / Sole Accused

Vs.

1.The State of Tamil Nadu,
Rep . by The Inspector of Police,
Ammapatti Police Station,
Virudhunagar District.
(Crime No.55/2023)

2.Venkataramanujam

... Respondents

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records relating to FIR in Crime No. 55/2023 dated 19.10.2023 on the file of the Inspector of Police, Ammapatti Police Station, Virudhunagar District and quash the same as against the petitioner.



WEB COPY



Crl.OP(MD)No.9409 of 2024

For Petitioner : Mr.S.Sundarapandian

For R-1 : Mr.B.Thanga Aravindh
Government Advocate (Crl.Side)

ORDER

Prayer:

This Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure praying to call for the records pertaining to the First Information Report in Crime No.55 of 2023 dated 19.10.2023 on the file of the Inspector of Police, Ammapatti Police Station, Virudhunagar District, registered for the alleged offences under Section 290 IPC read with Section 67 of the Information Technology Act, 2000, and to quash the same as against the petitioner.

Preface:

2. The inherent jurisdiction of this Court under Section 482 Cr.P.C., 1973, is intended to prevent abuse of the process of law and to secure the ends of justice. When criminal law is set in motion without the foundational ingredients of the alleged offences, and when continuation of proceedings would amount to harassment



rather than prosecution, this Court is duty-bound to interdict such proceedings at the threshold. The present Criminal Original Petition is one such instance where the facts, even if taken at their face value, do not disclose the commission of any cognizable offence.

Facts of the prosecution:

3. The prosecution case, as borne out from the First Information Report, is that the second respondent lodged a complaint alleging that the petitioner had downloaded a video through Instagram, which was originally created by certain students using TikTok, purportedly depicting a murder of a TASMACH employee that had occurred earlier in the same locality.

4. It is further alleged that the petitioner uploaded the said video on Facebook and published it through a website, advising parents and teachers to caution students against indulging in such violent and objectionable activities.

5. On the basis of the said complaint, the first respondent police registered the impugned FIR in Crime No.55 of 2023 dated



Crl.OP(MD)No.9409 of 2024

19.10.2023 for the offences under Section 290 of the Indian Penal Code read with Section 67 of the Information Technology Act, 2000.

The petitioner, aggrieved by the registration of the FIR, has approached this Court seeking quashment of the same.

Case of the petitioner / grounds for quash:

6. The learned counsel for the petitioner submitted that the registration of the FIR is a clear abuse of process of law and is actuated by mala fide motives.

7. It is contended that the petitioner had neither created nor circulated any obscene or offensive content. On the contrary, the petitioner had merely shared an already available video with a cautionary message intended to create awareness among parents, teachers, and students.

8. It is further submitted that even as per the FIR, the petitioner had advised students not to engage in violent or inappropriate activities during the course of their studies, which by no stretch of imagination can attract the penal provisions invoked.



Crl.OP(MD)No.9409 of 2024

WEB COPY

9. The learned counsel would submit that no specific overt act has been attributed to the petitioner so as to attract either Section 290 IPC or Section 67 of the Information Technology Act, 2000.

10. It is also alleged that the impugned FIR has been registered solely because the petitioner had criticised the inaction of the police and the ruling dispensation, and therefore the present prosecution is a colourable exercise of power.

11. According to the petitioner, the FIR does not disclose the commission of any cognizable offence and continuation of investigation would cause irreparable hardship and abuse of the criminal justice system.

Submissions of the respondents:

12. The learned Government Advocate (Criminal Side) appearing for the respondents submitted that the FIR was registered based on the complaint received and that the investigation is at a preliminary stage.



Crl.OP(MD)No.9409 of 2024

WEB COPY

13. It was contended that publication of sensitive and violent content through social media platforms may have the potential to disturb public tranquillity and therefore the police were justified in registering the case.

14. The learned Government Advocate (Crl. side) prayed that sufficient opportunity be granted to the investigating agency to complete the investigation.

15. Heard the learned counsels on either side and carefully perused the materials available on record.

Point for consideration:

16. The point that arises for consideration is whether the allegations made in the FIR in Crime No.55 of 2023, even if accepted in entirety, disclose the commission of any offence under Section 290 IPC or Section 67 of the Information Technology Act, 2000, and whether continuation of the criminal proceedings would amount to abuse of process of law?



Analysis:

17. Before examining the facts of the present case, it is necessary to advert to the scope of interference under Section 482 Cr.P.C. The Hon'ble Supreme Court in **State of Haryana v. Bhajan Lal**¹ has categorically held that criminal proceedings can be quashed where the allegations made in the FIR do not disclose the commission of any offence or where the proceedings are manifestly attended with mala fides.

18. In the present case, a plain reading of the FIR reveals that the petitioner had not created the impugned video. The FIR itself admits that the video was originally published by students and that the petitioner merely shared the same along with an advisory message cautioning parents and teachers.

19. Section 290 IPC deals with punishment for public nuisance in cases not otherwise provided for. The essential ingredient of the offence is the commission of an act causing common injury, danger, or annoyance to the public at large. Mere sharing of a video with an

¹[1992 Supp (1) SCC 335]



Crl.OP(MD)No.9409 of 2024

awareness message, without any allegation of disturbance to public order, does not satisfy the ingredients of Section 290 IPC.

20. Likewise, Section 67 of the Information Technology Act, 2000, is attracted only when there is publication or transmission of material which is lascivious or appeals to prurient interests or tends to deprave and corrupt persons. The FIR does not allege that the petitioner published any obscene or sexually explicit content. On the contrary, the petitioner's conduct, as reflected in the FIR, was aimed at discouraging violent behaviour.

21. Significantly, there is no allegation that the petitioner intended to glorify violence or promote unlawful activities. *Mens rea*, which is an essential element of the alleged offences, is conspicuously absent.

22. The registration of the FIR, despite the absence of basic ingredients of the offences, reflects a mechanical exercise of power by the police. Criminal law cannot be invoked to stifle criticism or



Crl.OP(MD)No.9409 of 2024

WEB COPY

awareness-oriented speech, especially when such speech is in public interest.

23. Permitting the investigation to continue in such circumstances would amount to converting the criminal justice system into a tool for harassment, which is impermissible in law.

24. This Court is of the considered view that the allegations in the impugned FIR, even if taken at their face value and accepted in their entirety, do not constitute the offences alleged against the petitioner.

25. The continuation of the criminal proceedings would amount to an abuse of the process of law and would result in undue harassment to the petitioner.

26. In the result, the Criminal Original Petition is allowed. The First Information Report in Crime No.55 of 2023 dated 19.10.2023 on the file of the Inspector of Police, Ammapatti Police Station, Virudhunagar District, registered for the offences under Section 290



Crl.OP(MD)No.9409 of 2024

WEB COPY

IPC read with Section 67 of the Information Technology Act, 2000, is hereby quashed as against the petitioner. Consequently, the connected miscellaneous petition is closed.

04.12.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
Sml

To

1. The Inspector of Police,
Ammapatti Police Station,
Virudhunagar District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



CrI.OP(MD)No.9409 of 2024

L.VICTORIA GOWRI, J.

Sml

CRL OP(MD)No.9409 of 2024

04.12.2025