



Crl.O.P.(MD) No.18327 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.10.2025

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD) No.18327 of 2025

and

Crl.M.P.(MD) Nos.15042 & 15043 of 2025

Murugesan alias Murugan

... Petitioner

Vs.

1.State of Tamil Nadu rep. by
The Inspector of Police,
Sankarankoil Taluk Police Station,
Tenkasi District.
(In Crime No.226 of 2020)

2.Durgadevi
Sankarankovil Taluk Police Station,
Tenkasi District.
(In Crime No.226 of 2020)

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of Bharathiya Nagarik Suraksha Sanhita, 2023 to call for the records pertaining to the charge sheet in S.T.C.No.980 of 2022 on the file of the learned Judicial Magistrate, Sankarankoil, Tenkasi District and quash the same as illegal as far as the petitioner is concerned.

For Petitioner : Mr.G.Anto Prince



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For R1

: Mr.K.Sanjai Gandhi
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed seeking to quash the final report in S.T.C.No.980 of 2022 on the file of the learned Judicial Magistrate, Sankarankoil, Tenkasi District, filed against the petitioner/A2 for the offence punishable under Section 153 of the Indian Penal Code, 1860.

2. The allegation in the final report is that the petitioner (arrayed as A2), along with others, published a video recording of the statement made by A1 against the then Minister, since the Minister had already made a statement against a particular caste, and that the video published was intended to promote enmity between two classes of persons.

3. The learned counsel for the petitioner would submit that even if the allegations are accepted to be true, the offence under Section 153 of the Indian Penal Code, 1860, would not be made out; that there is nothing to suggest that there was any provocation in the video intending or knowing that it was likely to cause a riot; that they had only criticised the statement made by the then Minister, who had, in turn, criticised a



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particular caste by stating as “இடையனுக்கு புத்தி பிடறியில்”; and therefore, the offence under Section 153 of the Indian Penal Code, 1860, would not be made out.

4. The learned Government Advocate (Criminal Side) appearing for the first respondent would submit that the statement made in the video would attract the offence under Section 153 of the Indian Penal Code, 1860; that the points raised by the petitioner are factual in nature and have to be adjudicated only in trial, and therefore, he sought for dismissal of this petition.

5. Section 153 of the Indian Penal Code, 1860 reads as under:

“153. Wantonly giving provocation with intent to cause riot—if rioting be committed—if not committed.— Whoever malignantly, or wantonly, by doing anything which is illegal, gives provocation to any person intending or knowing it to be likely that such provocation will cause the offence of rioting to be committed, shall, if the offence of rioting be committed in consequence of such provocation, be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both; and if the offence of rioting be not committed, with imprisonment of either description for a term which may extend to six months, or with fine, or with both.”



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6. As stated above, the allegation is that the petitioner, along with two others, had posted a video on social media, which contained the statement of A1 criticising the then Minister. Admittedly, the Minister had earlier criticised a particular caste, as stated above. The allegations, at best, would only suggest that the petitioner had criticised/defamed the Minister for his statement. Therefore, it cannot be said that the video was published by the petitioner and others wantonly and maliciously with an intention to provoke a riot. Hence, the petitioner cannot be prosecuted for the offence punishable under Section 153 of the Indian Penal Code, 1860. Accordingly, the impugned prosecution is liable to be quashed and is hereby quashed.

7. In the result, this Criminal Original Petition is allowed. Consequently, the connected Miscellaneous Petitions are closed.

27.10.2025

JEN

Index: Yes/ No

Neutral Citation: Yes / No

Speaking Order / Non-Speaking Order



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Copy To:

- 1.The Judicial Magistrate,
Sankarankoil, Tenkasi District.
- 2.The Inspector of Police,
Sankarankoil Taluk Police Station,
Tenkasi District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SUNDER MOHAN, J.

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