

Crl.O.P.(MD)No.22650 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.04.2025

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THE HON'BLE MR.JUSTICE P.DHANABAL

Crl.O.P.(MD)No.22650 of 2024

and

Crl.M.P(MD) No.14162 and 14164 of 2024

1.Kovan @ Sivadoss

2. Sathya

3. Saravanan

4. Latha

.. Petitioners

Vs.

1. The Inspector of Police
Cantonment Police Station
Trichy City

2. Gowtham

.. Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to call for the records in C.C. No.431 of 2020 pending before the learned Judicial Magistrate No.II, Tiruchirapalli in connection with Crime No.626 of 2018 dated 11.04.2018 for the offences under Sections 153(A), 504, 505(1)(b) and 34 of IPC and on the file of the first respondent has not made out any offences and quash the same against the petitioners as illegal.

For Petitioner : Mr.R.Ganesh Prabhu

For Respondents : Mr.M.Vaikkam Karunanithi
No.1 Government Advocate(Crl.Side)

No.2 : No appearance



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ORDER

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This Criminal Original Petition has been filed to quash the proceedings in C.C. No.431 of 2020 pending before the learned Judicial Magistrate No.II, Tiruchirapalli

2. The case of the prosecution is that on 24.03.2018 while crossing Bharathi Salai at Trichy the petitioner gathered near post office at Trichy and started to condemn the act of Central Government in respect of setting up Cauvery water Regulation Committee and had sing a song regarding the Ratha Yatra organized by the BJP National Party with the words promoting enmity between different groups on grounds of religion and did act prejudicial to maintenance of harmony. Therefore the second respondent lodged a complaint before the first respondent and a case was registered in Crime No.626 of 2018 for the offences under Sections 153(A), 504, 505(1)(b) and 34 of IPC. Thereafter the first respondent conducted elaborate investigation and filed final report and now the final report is challenged by the petitioners.

3. The learned counsel appearing for the petitioners would submit that the second respondent lodged a false complaint against the petitioners



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before the first respondent and a case has been registered. Thereafter the first respondent without conducting proper investigation filed final report and the trial Court without any prima facie materials taken the case on file and the case is pending. Infact the petitioners conducted demonstration by expressing their anguish for not setting up Cauvery water regulation committee and not used any words against the Government promoting enmity between different groups on grounds of religion and did act prejudicial to maintenance of harmony, therefore no offence is made out as per Section 153(A), 504, 505(1)(b) and 34 of IPC. Freedom of expression enshrined under Article 19(1)(a) and 19(1)(g) of the Constitution of India, thereby the pending proceedings are liable to be quashed.

4. The learned Government Advocate(Crl.side) appearing for the first respondent would submit that the petitioners had conducted demonstration by singing a song using the words promoting enmity between different groups on grounds of religion and did act prejudicial to maintenance of harmony. Therefore case was registered in Crime No.626 of 2018 for the offences 153(A), 504, 505(1)(b) and 34 of IPC. Thereafter the first respondent conducted elaborate investigation and filed final report. As per the final report there are materials available to constitute



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the offences as against the petitioners, therefore it needs elaborate trial, hence the petition is liable to be dismissed.

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

6. The charges against the petitioners are 153(A), 504, 505(1)(b) and 34 of IPC. As per prosecution, the petitioners had sung a song using the words promoting enmity between different groups on grounds of religion and did act prejudicial to maintenance of harmony. Therefore the second respondent lodged a complaint before the first respondent and the first respondent registered case in Crime No.626 of 2018 and thereafter they conducted detailed investigation and filed final report and the trial Court has also taken cognizance in C.C. No.431 of 2020 after satisfying that prima facie materials are available as against the petitioners to proceed with the case further. This Court also carefully perused the records. As per the First Information Report and final report there are prima facie materials available to proceed with the case as against the petitioners. The statements recorded and the materials collected during the investigation cannot be tested at this stage and the same can be tested only during trial. The veracity of the statements recorded and the materials



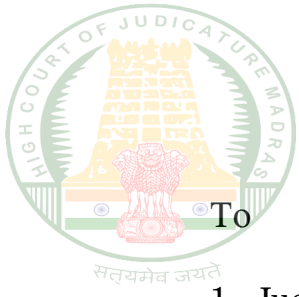
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collected by the first respondent during investigation cannot be tested at this stage. Since *prima facie* materials are available to proceed with the case against the petitioners they have to face the trial. Therefore there is no merits in the petition and it is liable to be dismissed. What are all the grounds raised in this petition can be taken as defence before the trial Court during trial by the petitioner.

7. Accordingly the Criminal Original Petition stands dismissed.
Consequently connected miscellaneous petitions stand closed.

01.04.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To

1. Judicial Magistrate No.II, Tiruchirapalli
2. The Inspector of Police
Cantonment Police Station
Trichy City
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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P.DHANABAL,J.

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