



Crl.O.P.No.3061 of 2026

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.02.2026

CORAM:

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

Crl.O.P.No.3061 of 2026

and

Crl.M.P.No.2116 of 2026

Sowgath Ali

... Petitioner

Vs.

1. The State of represented by,
The Sub-Inspector of Police,
Panruti Police Station,
Panruti, Cuddalore District.
(Crime No.202 of 2020)

2. Dhanapathi

... Respondents

PRAYER: Criminal Original Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita/Section 482 Cr.P.C., to call for the records C.C.No.163 of 2021 on the file of the Judicial Magistrate Court No.I, Panruti, Cuddalore District and pass any other order as deemed fit and proper under circumstances of the case.

For Petitioner : Mr.P.Pugalenth

For R1 : Mr.K.M.D.Muhilan
Additional Public Prosecutor



ORDER

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The present Criminal Original Petition has been filed seeking to quash the proceedings in C.C.No.163 of 2021, pending on the file of the Judicial Magistrate Court No.I, Panruti, Cuddalore District.

2. The case of the prosecution is that the petitioner, who was serving as a District Secretary of a political party, on 02.04.2020, published some defamatory statements on social media alleging that the Government has shown discrimination against a particular religion while taking steps during the Covid-19 pandemic. Based on the complaint given by the second respondent, a case in Crime No.202 of 2020 was registered on the file of the first respondent Police against the petitioner/accused, for the offences under Sections 153A, 505(2) of IPC, Section 7(1)(a) of the Criminal Law (Amendment) Act, 2005 and Section 67 of the Information Technology Act, 2000. After completion of investigation, the final report was filed before the Judicial Magistrate Court No.I, Panruti, Cuddalore District and the Court took cognizance of the same and numbered it as C.C.No.163 of 2021.

3. Learned counsel appearing for the petitioner submitted that the petitioner had merely expressed his views out of frustration and that



even taking into consideration the entire averments in the charge sheet at their face value, no defamatory or abusive comment against any religion can be made out. Therefore, the ingredients of the alleged offences are not attracted. Hence, he prayed to quash the aforesaid case as against the petitioner.

4. *Per contra*, Learned Additional Public Prosecutor appearing on behalf of the first respondent police submitted that the petitioner belongs to a religious organization and had made statements as if the persons belonging to his religion were discriminated by the Government.

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

6. In the opinion of this Court, the petitioner, through his WhatsApp messages, merely expressed frustration regarding the steps taken by the Government during Covid-19 pandemic. Apart from conveying his dissatisfaction with Government actions, he did not make any reference to any other religion.



7. At this juncture, this Court deems it appropriate to advert to the judgment of the Supreme Court in **Bilal Ahmed Kaloo vs. State of Andhra Pradesh [(1997) 7 SCC 431]**, wherein, it was categorically held that to attract the offences under Sections 153-A IPC (Section 196 of BNS) and 505(2) IPC (Section 353 of BNS), there should be at least two groups or communities involved and inciting the feeling one community or group without reference to any other community or group, cannot attract either of the two sections. The relevant paragraph from the said judgment reads thus:

“15. The common feature in both sections being promotion of feeling of enmity, hatred or ill will “between different” religious or racial or linguistic or regional groups or castes and communities, it is necessary that at least two such groups or communities should be involved. Merely inciting the feeling of one community or group without any reference to any other community or group cannot attract either of the two sections.” (emphasis supplied)

8. The aforesaid view in **Bilal Ahmed Kaloo**, supra, has been quoted with approval in **Manzar Sayeed Khan vs. State of Maharashtra & another (2007) 5 SCC 1**.

9. Taking into consideration the facts and circumstances of the case, and the judgments of the Supreme Court alluded to above, this Court is inclined to quash the proceedings in C.C.No.163 of 2021, on the file of



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the Judicial Magistrate Court No.I, Panruti, Cuddalore District, in exercise of its jurisdiction under Section 482 Cr.P.C./Section 528 BNSS.

10. Accordingly, this Criminal Original Petition stands allowed and the proceedings in C.C.No.163 of 2021, pending on the file of the Judicial Magistrate Court No.I, Panruti, Cuddalore District, is quashed as against the petitioner. Consequently, the connected miscellaneous petition is closed.

10.02.2026

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Neutral Citation: Yes/No

To

1. The Judicial Magistrate No.I,
Panruti, Cuddalore District.
2. The Inspector of Police,
Panruti Police Station,
Panruti, Cuddalore District.
3. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA, J.

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and Crl.M.P.No.2116 of 2026***

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