



Crl.O.P.No.15129 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 16.06.2026

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl. O.P. No. 15129 of 2026

and

Crl. M.P. No. 9779 of 2026

R. Varadaraj

... Petitioner

Vs.

1.The State of Tamil Nadu rep., by
The Inspector of Police,
Cyber Crime Police Station,
South Zone, Chennai.
(Crime No. 28 of 2025)

2.Elamaran

... Respondents

Prayer: Criminal Original Petition is filed under Section 528 of Bharatiya
Nagarik Suraksha Sanhita, 2023 to call for records pertaining to Crime
No.28 of 2025 dated 03.10.2025 on the file of the 1st respondent police and
quash the same.

For Petitioner : Mr. R. Varadaraj (party-in-person)

For Respondents: Mr. A. Amarnath,
Counsel for Government of Tamil Nadu
(Crl.Side) for R1



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ORDER

This Criminal Original Petition has been filed to quash the proceedings in Crime No.28 of 2025, dated 03.10.2025, on the file of the 1st respondent police.

2. The petitioner / accused, in Crime No.28 of 2025 for the offences under Sections 296, 192, 196 and 353(2) of the BNS and Section 67 of Information Technology Act, filed this quash petition.

3. The contention of the petitioner is that he is a retired police officer, presently practicing as an advocate and he is also President of a political party, namely, Nethaji Makkal Katchi, he operates an official YouTube channel, namely, “Nethaji TV”. According to him, with regard to the Karur stampede incident in which 41 persons lost their lives, he merely criticized the manner in which the investigation conducted and referred to the orders passed by this Court transferring the investigation to the CBI and the appointment of a retired High Court Judge to conduct an enquiry.



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3.1. According to the petitioner, his comments were confined to the incident and not on the personal conduct or private life of any Judge. He contend that, as a citizen, he has the right of freedom of speech and to comment the decisions and actions of public authorities and that his comments are protected under Article 19(1)(a) of the Constitution of India. He further submits that his YouTube channel enjoys a substantial following and that the positive response to his comments indicates that they were received in the right spirit. According to him, the then Government was opposed to his YouTube presentation and therefore, the respondent police has registered a false case against him.

4. The learned Government Advocate for the 1st respondent submitted that the comments made by the petitioner on YouTube are, on the face of it, highly defamatory and derogatory and contain personal allegations against both the sitting Judge and the retired Judge, casting aspersions on their personal lives and integrity, which is wholly unwarranted. He submitted that expressing view on a subject is distinct from making personal remarks concerning the personal conduct of an individual and take shelter under the



right to freedom of speech and expression.

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4.1. He further submitted that the petitioner's mobile phone has been seized and since it is protected by a facial lock, the forensic department informed mobile phone could not be unlocked. Unless the petitioner appears unlocks his mobile phone, it cannot be conclusively ascertained whether the petitioner made statements and from whose phone the contents uploaded.

5. The petitioner submitted that, being a former police officer, now an advocate and President of a political party, the petitioner has both legal and moral responsibility to cooperate with the investigation and undertakes to appear before the Forensic Laboratory and unlock the device.

5.1. The petitioner further undertook to appear before the Director, Forensic Sciences Department, on 23.06.2026, in the presence of the respondent police, unlock his mobile phone, so that Forensic examination can be done.

6. The above case is at the initial stage of investigation. In view of the above, this Court is not inclined to entertain this petition. Accordingly, this



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Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petition is closed.

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Neutral Citation: Yes/No
AT

To

- 1.The Inspector of Police, Cyber Crime Police Station,
South Zone, Chennai.
- 2.The Public Prosecutor, High Court of Madras.



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M.NIRMAL KUMAR, J.

AT

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16.06.2026