



Crl.OP(MD)No.1011 of 2026

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.01.2026

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CRL OP(MD). No.1011 of 2026

and

CRL MP(MD). No.1052 of 2026

Kannan

... Petitioner

Vs

State of Tamil Nadu,
Rep. by The Sub Inspector of Police,
Cyber Crime Police Station,
Madurai City.
(Crime No.10 of 2025)

... Respondent

PRAYER : Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records pertaining to the case in Crime No.10 of 2025 on the file of the respondent police and to quash the same as a misuse of process of law.

For Petitioner : Mr. H. Velavadhas

For Respondent : Mr. B. Thanga Aravindh,
Government Advocate (Crl. Side)



WEB COPY



Crl.OP(MD)No.1011 of 2026

ORDER

Preface:

This Criminal Original Petition has been filed invoking the inherent powers of this Court under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking to quash the First Information Report in Crime No.10 of 2025 registered by the respondent police, on the ground that the same is a clear abuse of the process of law.

Case of the prosecution:

2. The case of the prosecution, as could be discerned from the First Information Report, is that on 02.02.2025, the petitioner had allegedly uploaded a post in his social media platform, namely “X”, under the user ID “Kannan @ Kanal”, containing certain script and audio content. It is alleged that the said post had the tendency to provoke enmity between two religious groups. The *defacto* complainant, who is a Sub-Inspector of Police, is stated to have taken note of the said post on 05.02.2025 and thereafter lodged a complaint.



WEB COPY

3. Based on the said complaint, the respondent police registered a case in Crime No.10 of 2025 against the petitioner for the alleged offences under Sections 192, 169(1)(a), 352, 353(1)(b) and 353(2) of the Bharatiya Nyaya Sanhita, 2023.

Grounds for quash:

4. The petitioner has approached this Court seeking quashment of the FIR on several grounds, which are summarised as follows:

(i) The registration of the case is a clear misuse of the process of law and is liable to be quashed.

(ii) The contents of the FIR do not disclose the commission of any cognizable offence.

(iii) The respondent police failed to conduct a preliminary enquiry as mandated in the judgment of the Hon'ble Supreme Court in ***Lalitha Kumari v. Government of Uttar Pradesh***¹.

(iv) The FIR has been registered in a mechanical and hurried manner without proper application of mind.

¹ 2014(2) SCC 1



Crl.OP(MD)No.1011 of 2026

WEB COPY

(v) The petitioner's social media post does not refer to any specific community or group and does not contain any defamatory or inflammatory remarks.

(vi) The post was intended only to invite members of a particular faith to protect Thiruparankundram Hillock associated with Arulmigu Subramaniaswamy Temple and not to incite hatred or violence.

(vii) No untoward incident occurred as a result of the said post.

(viii) The post has already been deleted by the petitioner, and therefore, continuation of proceedings would serve no purpose.

(ix) The complaint has not been given by any aggrieved individual, but by the police officer himself.

(x) The petitioner has already been granted anticipatory bail and has complied with the conditions, yet unnecessary harassment is being caused by issuance of repeated notices.

5. The learned counsel for the petitioner reiterated the above grounds and submitted that even if the entire allegations in the FIR are taken at face value, no offence is made out against the petitioner.



He would further submit that the continuation of investigation would amount to harassment and abuse of process of law.

6. The learned Government Advocate (Crl. Side) appearing for the respondent would contend that the allegations in the FIR *prima facie* disclose the commission of cognizable offences. He would submit that the matter is still under investigation and at this stage, the FIR ought not to be quashed. He further submitted that the petitioner's post had the potential to disturb communal harmony and therefore requires thorough investigation.

Point for consideration:

7. The point that arises for consideration in this case is whether the FIR in Crime No.10 of 2025 discloses the commission of any cognizable offence warranting investigation, or whether the same is liable to be quashed as an abuse of process of law?

Analysis:

8. This Court has carefully considered the submissions made on either side and perused the materials available on record.



WEB COPY

9. It is well settled that the inherent powers of this Court under Section 528 of BNSS are to be exercised sparingly and with circumspection. The guiding principles for quashing an FIR have been laid down by the Hon'ble Supreme Court in ***State of Haryana v. Bhajan Lal***², wherein it has been held that if the allegations made in the FIR do not disclose the commission of any offence, the same can be quashed.

10. In the present case, a reading of the FIR would show that the allegation against the petitioner is based on a social media post allegedly made by him. However, the FIR does not specifically disclose as to how the said post directly incited violence or created enmity between identifiable groups. There is no reference to any particular community being targeted nor any material to show that public tranquility was in fact disturbed.

11. It is also pertinent to note that no individual from any alleged affected group has come forward with a complaint. The complaint has been lodged by the police officer *suo motu*. While it is true that the police are empowered to act in order to prevent

² 1992 Supp(1) SCC 335



potential law and order issues, such power cannot be exercised in a routine or mechanical manner without satisfying the basic ingredients of the alleged offences.

12. Further, the petitioner has deleted the post and there is no material placed before this Court to indicate that any untoward incident had occurred pursuant to the said post. Insofar as the contention regarding non-conduct of preliminary enquiry is concerned, this Court is of the view that in cases involving alleged offences of this nature, particularly arising out of social media expressions, a preliminary verification would have been appropriate before registering the FIR.

13. In the absence of any specific material indicating incitement to violence or disturbance of public order, the continuation of criminal proceedings against the petitioner would amount to an abuse of the process of law. This Court is therefore satisfied that the present case falls within the parameters laid down in ***State of Haryana v. Bhajan Lal***³'s case warranting interference.

3 1992 Supp(1) SCC 335



Crl.OP(MD)No.1011 of 2026

WEB COPY

14. Freedom of expression, though not absolute, is a cherished constitutional value. Any restriction upon the same must be based on clear and cogent material demonstrating a real and imminent threat to public order. Criminal law cannot be set into motion on mere apprehensions or speculative assumptions without the foundational ingredients of the offence being made out.

15. In view of the foregoing discussion, this Criminal Original Petition stands allowed and the FIR in Crime No.10 of 2025 on the file of the respondent police is hereby quashed. Consequently, connected Criminal Miscellaneous Petition is closed.

21.01.2026

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

To

1. The Sub Inspector of Police,
Cyber Crime Police Station,
Madurai City.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.OP(MD)No.1011 of 2026

L.VICTORIA GOWRI, J.

Sml

CRL OP(MD)No.1011 of 2026

21.01.2026