



Crl.O.P.(MD)No.864 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : **27.02.2026**

CORAM:

THE HONOURABLE **MRS.JUSTICE L.VICTORIA GOWRI**

Crl.O.P.(MD)No.864 of 2026
and Crl.M.P(MD).No.932 2026

K.Tamil Selvan

... Petitioner

Vs.

State of Tamilnadu
rep., by the Inspector of Police,
Dindigul Taluk Police Station,
Dindigul District.
Crime No.318 of 2025

... Respondent

PRAYER : Petition filed under Section 528 of BNSS, 2023 to call for the records relating to the FIR in Crime No.318 of 2025 on the file of the respondent police and quash the same as illegal this petitioner concerned.

For Petitioner : Mr.P.Manikandan

For Respondent : Mr.M.Sakthikumar

Government Advocate (crl.side)



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ORDER

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Seeking quashment of the impugned FIR in Crime No.318 of 2025 registered for the offences under Sections 196(1)(a), 197(1)(c), 353(1)(c) and 353(2) of BNS, 2023 and Section 66 of the Information Technology Act, 2000, on the file of the respondent police, this criminal original petition is filed.

2.The learned counsel for the petitioner submitted that, the case of the prosecution is that, during the conduct of the “Kaliyamman Temple Festival” in the petitioner’s village, religious disputes arose between the Hindu and Christian communities. Consequently, two First Information Reports in Crime Nos. 313 and 314 of 2025 were registered on 28.05.2025 against the rival parties. In the interregnum, while the disharmony in the village was still continuing, on 25.05.2025, the petitioner allegedly posted a message along with a photograph in his Facebook account, abusing persons who had converted from the Hindu religion to Christianity. In this regard, a First Information Report in Crime No. 318 of 2025 was registered for the aforesaid offences.



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3.He categorically contended that the first information report deserves to be quashed to secure the ends of justice and to prevent abuse of process of law. He also pointed out that a clear reading of the first information report itself would make it clear that the various offences added in the first information report will not be made out as against the petitioner. In the absence of specific overt act as against the petitioner, the first information report should necessary be quashed and sought for the indulgence of this Court.

4.The learned Government Advocate (crl.side) submitted that the Facebook post made by the petitioner was with the intent of aggravating the prevailing communal tension between the two communities on the said date. Hence, a clear overt act is made out against the petitioner and sought for dismissal of this original petition.

5.Heard either side and carefully perused the materials available on record.

6.As per Section 196 (1)(a) and Section 197(1)(c) of BNS pertain to offences relating to promoting enmity between different groups. However, a



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careful reading of the Facebook post made by the petitioner would show that it does not promote enmity between two groups, but is, at best, a general statement regarding religious conversion.

7.As far as offences under Sections 353(1)(c) and 353(2) of BNS, the same is with respect to statements conducting to public mischief. Section 353(1)(c) of BNS is with respect to those statement circulated with intent to incite, or which is likely to incite, any class or community of persons to commit any offence against any other class or community. In the instant case, the face book posting in question cannot be construed as one hosted with intent to incite, or which is likely to incite, any class or community of persons to commit any offence against any other class or community.

8.As the offence under Section 353(2) of BNS is with respect to circulating any false information, rumour or alarming news, including through electronic means, with intent to create or promote enmity between two groups on the basis of the religious or race or community. However, the face book post is nothing, but a general statement regarding the community, to which the petitioner belongs to.



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9. Section 66 of the Information Technology Act, 2000, is with respect to punishment for computer related offences. When the offences under Sections 196(1)(a), 197(1)(c), 353(1)(c) and 353 (2) of BNS is not made out, the offence under Section 66 of IT Act will automatically become unsustainable. Accordingly, the impugned FIR in Crime No.318 of 2025 on the file of the respondent police is hereby quashed and this Criminal Original Petition is allowed. Consequently, connected Miscellaneous Petition is closed.

27.02.2026

NCC : Yes / No
Index : Yes / No
Rmk

TO:-

1. The Inspector of Police,
Dindigul Taluk Police Station,
Dindigul District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.

Rmk

Order made in
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