



CRL OP(MD). No.2045 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 03/02/2026

CORAM

THE HONOURABLE MRS. JUSTICE L. VICTORIA GOWRI

CRL OP(MD). No.2045 of 2026

and

CrI.M.P(MD)Nos.2319 & 2320 of 2026

1.Ramamoorthy
2.Kishore Kumar

... Petitioners / Accused

Vs

1. The State of Tamilnadu,
Rep by Inspector of Police,
Mandapam, Police Station,
Ramanathapuram District.
(Crime No. 59/2021)

2. Kottaisamy,
Sub Inspector of Police,
Mandapam Police Station,
Ramanathapuram.

... Respondents

PRAYER :-

To call for the records in CC No.218 of 2025 on the file of the District
Munsif cum Judicial Magistrate, Rameswaram and may Quash the same.

For Petitioners : Mr.K.P.Narayanakumar

For Respondents : Mr.S.Ravi
Additional Public Prosecutor



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ORDER

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This Criminal Original Petition is filed to call for the records in CC No.218 of 2025 on the file of the District Munsif cum Judicial Magistrate, Rameswaram and may quash the same.

2. The learned counsel for the petitioners submitted that the petitioners are the accused persons in the pending trial in C.C.No.2045 of 2026. A case in Crime No.59 of 2021 was registered by the first respondent police for the offences under Sections 505(2) of IPC against the petitioners/ accused persons. The case of the prosecution is that on 11.03.2021, upon the complaint made by the Sub Inspector of Police, one Kartika voluntarily left her maternal home along with one Rahim Mustafa, S/o.Seeni Ibrahim, who was residing in the same locality. On the same day she was converted to Islam and thereafter they have solemnized marriage as per the Muslim customs. In this regard, the Hindu Munnani people had spread messages through WhatsApp group resulting protests on 18/3/2021 at about 11:00 AM before the first respondent police station and demanded action against the alleged post



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on religious conversion. The petitioners are obviously the members of Hindu Munnani. Seeking quashment of the FIR, this Criminal Original Petition is filed.

3. Further, the learned counsel for the petitioner pointed out that the final report is hit by Section 468 of IPC since the punishment prescribed for Section 505(2) is 3 years or with fine or with both. The date of FIR is in the year 2021. The final report was filed on 27.04.2025, after after a period of four years and sought for quashment of the final report.

4. The learned Government Advocate categorically contended that the petitioners have instigated a group of Hindu Munnani people to conduct a protest before the first respondent Police station disturbing the harmony of the local public and hence criminal action was promptly initiated against the petitioner herein and further culminated in laying the charge sheet and sought for dismissal of this petition.

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



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6. A plain reading of the impugned final report itself would make it clear that the allegations under Section 505(2) of IPC will be clearly made out only when a person publishes or circulates any statement or rumor containing alarming news with the intent likely to create or promote feelings of enmity or hatred between two communities. However, in the instant case, no material has been produced by the prosecution to show that the petitioners have actually circulated any message as alleged by the prosecution. It is pertinent to point out that even the mobile numbers and all the details as to the information which is alleged to have circulated by the petitioners in WhatsApp were not enclosed and none of independent witnesses have been added as LWs and sought for the indulgence of this Code.

7. In the absence of the details as to the nature of the information alleged to have been passed on and circulated by the petitioners herein in any of the social media and the devices through which the said information is alleged to have been passed, is also conspicuously absent in the final report and therefore the final report is clearly hit by Section



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468 of CrPC. Therefore, the impugned charge sheet in CC No.218 of 2025 on the file of the District Munsif cum Judicial Magistrate, Rameswaram, is quashed.

8. Accordingly, this Criminal Original Petition is allowed. Consequently, connected miscellaneous petitions are closed.

03.02.2026

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

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To

1. The Inspector of Police,
Mandapam, Police Station,
Ramanathapuram District.
(Crime No. 59/2021)
2. The Sub Inspector of Police,
Mandapam Police Station,
Ramanathapuram.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy to

The District Munsif cum Judicial Magistrate,
Rameswaram.

ORDER
IN

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and

CrI.M.P(MD)Nos.2319 & 2320 of 2026

Date : 03/02/2026