



Crl.OP(MD)No.2474 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 27.02.2026

PRONOUNCED ON : 01.06.2026

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.O.P.(MD).No.2474 of 2025

and

Crl.M.P.(MD)Nos.1690 and 1691 of 2025

Krishnan

... Petitioner/Sole Accused

Vs.

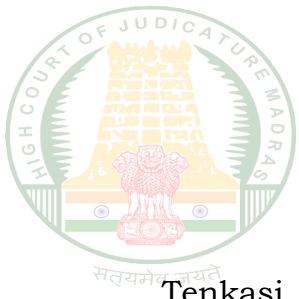
1. The State of Tamilnadu
Rep. by the Inspector of Police,
Puliyankudi Police Station,
Puliyankudi,
Tenkasi District.
In Crime No. 316 of 2022.

.... Respondent / Complainant

2. Bharathi Lingam

.... Respondent /
Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records pertaining to the impugned charge sheet in STC No.898 of 2022 on the file of the learned Additional District Munsif Cum, Judicial Magistrate Court, Sivagiri,



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Tenkasi District in Crime No.316 of 2022 on the file of the 1st respondent police and quash the same as illegal.

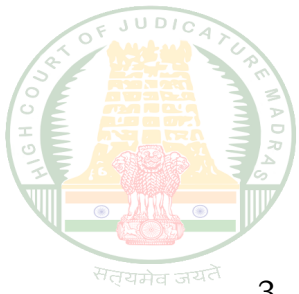
For Petitioner : Mr.N.Balasubramanian
For R-1 : Mr.M.Sakthi Kumar,
Government Advocate (Crl. side)

ORDER

The petitioner seeks quashment of the proceedings primarily on the ground that the essential ingredients of the offences alleged are not made out even if the entirety of the prosecution case is accepted at face value.

Case of the prosecution:

2. The prosecution case, as borne out from the First Information Report and the final report, is that on 01.08.2022 at about 08.30 a.m., while the second respondent was on duty, one Subash forwarded a WhatsApp video. The said video allegedly depicted the petitioner speaking on 27.07.2022 at about 05.00 p.m., at Puliyangudi-Sankarankovil Road near Sadayaneri Bond, opposite to Madasamy Temple.



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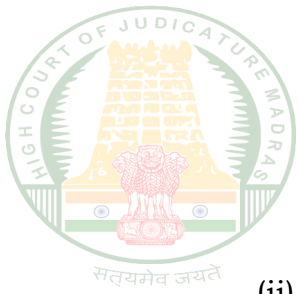
3. It is alleged that in the said video, the petitioner used abusive language against Thanthai Periyar and provoked the public to damage the statue of Thanthai Periyar in Tamil Nadu. It is the further case of the prosecution that the said video was circulated among the general public, thereby inducing them to agitate and potentially disturb public tranquillity.

4. On the basis of the said allegations, a case in Crime No.316 of 2022 was registered for offences under Sections 153 and 505(1)(b) of the Indian Penal Code. Upon completion of investigation, a final report came to be filed in S.T.C.No.898 of 2022 before the learned Judicial Magistrate, Sivagiri.

Grounds for quash:

5. The petitioner seeks quashment of the proceedings on the following grounds:

(i) That the essential ingredients of Section 505(1)(b) IPC are not made out, as there is no material to show that any person was induced to commit an offence against the State or public tranquillity.



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(ii) That none of the witness statements indicate that the alleged video resulted in any actual disturbance of public order or incitement to violence.

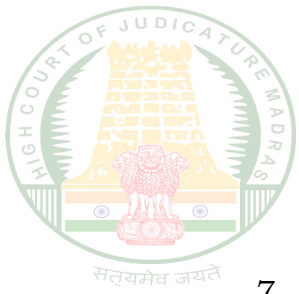
(iii) That mere expression, without intention or consequence of incitement, cannot attract penal provisions.

(iv) That the charge sheet is bereft of substantive material and is an abuse of the process of law.

(v) That the petitioner reserves liberty to raise additional grounds at the time of hearing.

Arguments on either side:

6. The learned counsel for the petitioner would submit that the entire prosecution is founded on a video clip, which even if taken at its face value, does not disclose any overt act of incitement leading to public disorder. It is further contended that the prosecution has failed to establish the essential nexus between the alleged speech and any resultant disturbance to public tranquillity.



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7. The learned counsel would place reliance on settled principles governing quash petitions, contending that when the allegations do not constitute an offence, continuation of proceedings would amount to abuse of process.

8. The learned Government Advocate (Criminal Side) would submit that the video in question contains statements capable of inciting public disorder and therefore warrants a full-fledged trial. It is further contended that the stage of quashment is not appropriate for appreciation of evidence and that the Court must allow the prosecution to establish its case during trial.

9. Heard the learned counsels on either side and carefully perused the materials available on record.

Point for consideration:

10. The point that arises for consideration is whether the allegations in the charge sheet, taken at face value, constitute the



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offences under Sections 153 and 505(1)(b) IPC, warranting continuation of criminal proceedings?

Analysis:

11. The law governing quashment of criminal proceedings is well settled in ***State of Haryana v. Bhajan Lal***¹, wherein the Hon'ble Supreme Court has delineated categories where interference is warranted, particularly when the allegations do not disclose any offence or are manifestly attended with mala fide.

12. Section 153 IPC deals with provocation with intent to cause riot. The essential ingredients are:

- (i) Provocation to any person;
- (ii) Intention or knowledge that such provocation will cause rioting.

13. In the present case, a careful perusal of the charge sheet reveals that there is no material to indicate that any specific

¹ 1992 Supp(1) SCC 335



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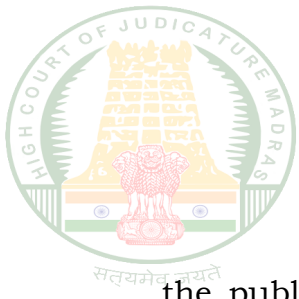
individual or group was provoked to commit rioting. There is also no allegation that any riot actually occurred or was even attempted pursuant to the alleged video. Mere expression of opinion, even if offensive, without a proximate nexus to incitement of violence, would not satisfy the statutory requirement under Section 153 IPC.

14. Section 505(1)(b) IPC contemplates statements made with intent to cause, or which are likely to cause, fear or alarm to the public, whereby any person may be induced to commit an offence against the State or public tranquillity.

15. The *sine qua non* for invoking this provision is the existence of:

- (i) Intention to cause fear or alarm; or
- (ii) Likelihood of inducing commission of an offence.

16. In the case on hand, the prosecution has not produced any material to show that the alleged video caused fear or alarm among



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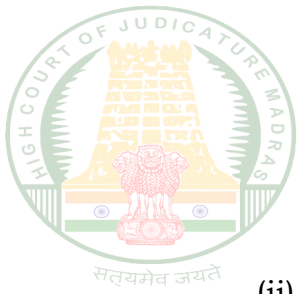
the public. More importantly, there is no evidence to demonstrate that any person was induced to commit any offence. The witness statements, as pointed out by the petitioner, do not disclose any consequential act arising out of the alleged video. In the absence of such foundational facts, invocation of Section 505(1)(b) IPC appears to be unsustainable.

17. While freedom of speech is not absolute, criminal liability cannot be fastened in the absence of clear intention and proximate consequence. The Hon'ble Supreme Court has consistently held that mere expression of words, without incitement to imminent lawless action, would not attract penal provisions.

18. Applying the principles laid down in ***State of Haryana v. Bhajan Lal***², this Court is of the considered view that:

(i) The allegations, even if accepted in entirety, do not constitute the offences alleged;

² 1992 Supp(1) SCC 335



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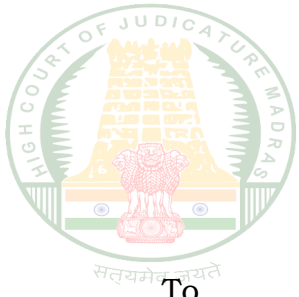
(ii) The continuation of proceedings would amount to abuse of process of law.

19. In the case at hand, the prosecution has failed to establish the foundational requirements necessary to sustain the charges under Sections 153 and 505(1)(b) IPC. The continuation of the proceedings would therefore result in miscarriage of justice.

20. Accordingly, this Criminal Original Petition stands allowed. The proceedings in S.T.C.No.898 of 2022 on the file of the learned Additional District Munsif-cum-Judicial Magistrate, Sivagiri, Tenkasi District, arising out of Crime No.316 of 2022, are hereby quashed. Consequently, connected miscellaneous petitions are closed.

01.06.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
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1. The Inspector of Police,
Puliyankudi Police Station,
Puliyankudi,
Tenkasi District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.

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