



CrI.O.P.(MD)No.3263 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **17.02.2026**

CORAM:

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

CrI.O.P.(MD)No.3263 of 2026
& CrI.M.P.(MD)No.3539 & 3541 of 2026

1.K.Balamurugan
2.Ramamoorthi
3.R.Balamurugan

... Petitioners

Vs.

1.The State of Tamil Nadu,
The Inspector of Police,
Bazaar Police Station,
Ramanathapuram District.
Crime No.284 of 2024

2.G.K.Ishwarya

...Respondents

PRAYER : Petition filed under Section 528 of BNSS, 2023 to call for the records pertaining to S.T.C.No.418 of 2025 on the file of the Judicial Magistrate No.I, Ramanathapuram District.

For Petitioners : Mr.P.Subbiah

For Respondents : Mr.B.Thanga Aravindh (R1)

Government Advocate



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ORDER

This Criminal Original Petition is filed to quash the case in STC No.418 of 2025 on the file of the Judicial Magistrate No.I, Ramanathapuram District.

2. The petitioners are the accused 1 to 3 in STC No.418 of 2025 on the file of the Judicial Magistrate No.I, Ramanathapuram District. The case of the prosecution is that on 09.09.2024 at 15:00 hours, when the defacto complainant was in duty in Vinayaka Chadhurthi procession, she had noticed a flex banner installed by the office bearers of an organization on the north side of Valividu Murugan temple and in front of Madani mobile shop with the wordings which could cause communal disharmony to the State of Tamil Nadu, and that by causing disturbance to the traffic and spoiling the beauty of the place. In this regard, at the instance of the second respondent, who is the Village Administrative Officer, an FIR in Crime No.284 of 2024 was registered for the offence punishable under Section 4B of the Tamil Nadu Open Places (Prevention of Disfigurement) Act, 1989 and Section 196(1)(a) of BNS, 2023. On completion of the investigation, the final report was filed for the same offences before the Judicial Magistrate No.I, Ramanathapuram District.



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3. The learned counsel appearing for the petitioners submitted that it was not a flex board, but a backdrop for a meeting, which had been installed only after obtaining due permission from the competent authority. However, the respondent police had falsely implicated the petitioners as if the flex board has been installed without proper permission and sought the indulgence of this Court.

4. The learned Government Advocate appearing for the respondent police categorically contended that it was not a backdrop for a meeting, but in fact a flex banner containing divisive and objectionable wordings, installed with the sole intention of disturbing the peace and harmony of the public in the locality. It was only at the instance of the concerned Village Administrative Officer that the FIR was registered. He also drew the attention of this Court to the charge sheet, submitting that a careful reading of the same would clearly reveal specific overt acts attributed to the petitioners herein.

5. Heard the learned counsel on either side and carefully perused the materials placed before this Court. Considering the nature of the order proposed to be passed in this petition, notice to the second respondent is dispensed with.



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6. Section 196 BNS 2023 is with respect to promoting enmity between different groups on grounds of religion, race, place of birth, residence, language, or caste, and doing acts prejudice, prejudicial to maintenance of harmony.

7. The first information report itself would reveal that it was only when the police was in the patrol duty with respect to Vinayagar procession, the flex banner was installed by an organization. The contention of the prosecution is that the flex banner has promoted enmity between different groups on the ground of religion thereby disturbing the harmony between two religious groups. However, not even a single member of the public had given any complaint as against the petitioners that the harmony of this locality has been disturbed by installation of the said flex banner.

8. That apart, a reading of Section 196 of the BNS, 2023 makes it clear that the offence is attracted only when there is a visible representation on the ground of religion. Section 196(1)(a) of the BNS, 2023 is extracted as follows:-

“196. Promoting enmity between different groups on grounds of religion, race, place of birth, residence, language, etc., and doing acts



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prejudicial to maintenance of harmony.(1) Whoever—

(a) by words, either spoken or written, or by signs or by visible representations

or through electronic communication or otherwise, promotes or attempts to promote, on grounds of religion, race, place of birth, residence, language, caste or community or any other ground whatsoever, disharmony or feelings of enmity, hatred or ill-will between different religious, racial, language or regional groups or castes or communities;”

9. However, the words alleged to have been displayed by the petitioners in the aforesaid flex banner, both in the FIR and in the final report, merely pertain to ascertaining field realities with reference to the demography of the people living in India, and it has nothing to do with promoting enmity between different groups.

10. In view of the above, the FIR and the charge sheet make it clear that they are exaggerated versions of the allegations made by the second respondent and the prosecution. Hence, allowing the prosecution to continue would serve no fruitful purpose, except to subject the petitioners to unnecessary harassment. Criminal law cannot be permitted to be used as a tool by the prosecution agency. Moreover, the alleged act does not indicate that any particular religious group, in the name of religion, has disturbed the peace and harmony of the



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general public. Accordingly, the charge sheet in S.T.C.No.418 of 2025 on the file of the Judicial Magistrate No.I, Ramanathapuram District and the FIR in Crime No.284 of 2024 are quashed and this criminal original petition stands allowed. Consequently, connected miscellaneous petitions are closed.

17.02.2026

NCC : Yes / No
Index : Yes / No
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TO:-

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1. The Inspector of Police,
Bazaar Police Station,
Ramanathapuram District.
2. The Judicial Magistrate No.I, Ramanathapuram District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.

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Order made in
Crl.O.P.(MD)No.3263 of 2026

Dated
17.02.2026