

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14-07-2026

CORAM

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

CRL OP No. 29214 of 2018

and

CrI.M.P.No. 17111 of 2018

S.Kumaradevan
S/o.D.Subramanian,
255, Angappan Street, 2nd Floor,
Chennai – 600 001.

..Petitioner(s)

Vs

The Inspector Of Police,
Pulianthope Police Station, Chennai City.
Cr.No.1926 Of 2017

..Respondent(s)

Prayer: Criminal Original petition filed under Section 482 of Cr.P.C., to call for the records and quash the case against the petitioner in Cr.No.1926 of 2017 on the file of the 1st respondent.

For Petitioner(s): Mr.S.Sankar for Mr.M.Prithiv Kannan

For Respondent(s): Mr.R.Rajasekaran
Government Counsel (Crl. Side)

ORDER

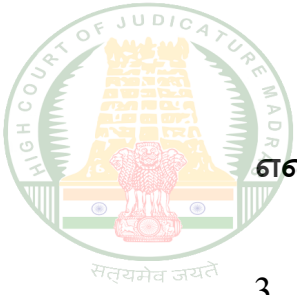
The prayer in the Criminal Original Petition is to quash the FIR in Crime No.1926 of 2017.



2. The petitioner is arrayed as 7th accused in the instant case. The case is registered for the alleged offences under Sections 153, 153(1)(a)&(b), 504, 505(1)(b)(c), 505(2) of IPC r/w. Section 2(o) and 13(1)(b) of the Unlawful Activities (Prevention) Act 1967. As far as the allegation as against the present petitioner is concerned, there was a public meeting which was organised by all the accused on 19.12.2016 on behalf of the Indian National League Party and, this petitioner, who said to be the Advocate of one of the person and belonging to an organization namely, Dravidar Kazhagam spoken as follows and the entire speech is extracted here under for ready reference:-

"குமார் தேவன் (தி,க, பாபாவின் வழக்கிறஞர்)

இஸ்லாமிய பெண்கள் பாதிக்கப்படுகிறார்கள் என்று குரல் கொடுக்கும் இஸ்லாமிய நண்பர்களைப் பார்த்து இந்துப் பெண்களுக்கும் பாதிப்பு வரும்போது குரல் கொடுக்க தயாராக வேண்டும் என்று கேட்டுக் கொள்வதாகவும். ஏனென்றால் ஜீவனாம்சம் மற்றும் விவாகரத்து வழக்குகளில் இந்துப் பெண்கள் அதிகமாக இருக்கிறார்கள் என்றும் பல்வேறு வகையினப் பிரிவுகளை வைத்திருக்கிற நீங்கள் பேசுவது நியாயம். ஷரியத் சட்டம் என்பது இஸ்லாமியர்கள் சட்டம் என்றும் இந்து மத தீவிரவாதிகள்தான் பொது சிவில் சட்டம் வேண்டும். என்று இல்லாத ஒன்றுக்கு வழிகாட்டுகிறார்கள் வழிகாட்டக்கூடிய இந்து பயங்கரவாதத்தை எதிர்ப்பதற்கு நாம் எல்லோரும் ஒன்றுபட வேண்டும், யாராக இருந்தாலும் மக்களை. பிளவுபடுத்துகிற செயலை அடியோடு அகற்ற வேண்டும்



என்று கேட்டுக்கொண்டார்,"

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3. I have given my anxious consideration to the contents of the said speech. Already, the Hon'ble Division Bench of this Court in ***T.Vetrithamilan Vs. the State Rep. by Inspector of Police and Another in Crl.OP.No.5363 of 2021 dated 06.08.2025***, after considering the judgment of the Supreme Court in ***S.G.Vombatkere V. Union of India, (2022) 7 SCC 433*** has held that for these kind of offences, the current the current social milieu has to be taken into account while deciding whether the petitioner could have committed any offence or not.

4. In this case, aforesaid speech ends with an appeal that the people should be united and therefore, it cannot be said that the intention of the speaker was to divide the people on communal lines. He has only used the inappropriate word of Hindu terrorism and the same alone, will not amount to an offence under Sections 153 & 153(1) or the other offences in this regard. When the allegation is only a mere speech and is not accompanied by any other act on the part of the petitioner, the offences are not made out. Further, it must be seen that the occurrence is of the year 2017 and we are now in the year 2026. No useful purpose will be served by conducting a trial against the petitioner and further continuation of the investigation as against this petitioner and making the petitioner to face the case would also turn out oppressive as against the



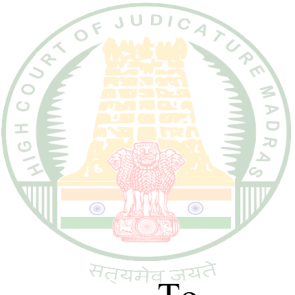
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5. For all the aforesaid reason, the Criminal Original Petition stands allowed. The case in Crime No.1926 of 2017 on the file of the respondent Police shall stand quashed as against the petitioner alone. Consequently, connected miscellaneous petition is closed.

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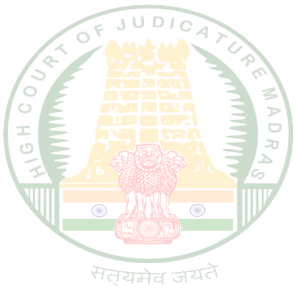
Neutral Citation: Yes

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To
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1. The Inspector Of Police,
Pulianthope Police Station,
Chennai City.
- 2.The Public Prosecutor,
High Court of Madras, Chennai.



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D.BHARATHA CHAKRAVARTHY, J.

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