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**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

Orders reserved on : 29.07.2026

Orders pronounced on : 28.08.2026

**CORAM :**

**THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

Crl.O.P.No.20304 of 2026  
and Crl.M.P.No.13514 of 2026

Vinoth Suriya Kumar

.. Petitioner

**Versus**

1. The State Represented by  
The Inspector of Police  
Cyber Cell, CCD-I, Central Crime Branch  
Greater Chennai Police  
Chennai – 600 008.

2. S.Muthuraman  
aged about 42 years  
S/o Mr.Sekar  
Junior Personal Assistant to Hon'ble Minister for Hindu Religious  
and Charitable Endowments (HR & CE) Department  
Government of Tamil Nadu, Secretariat, Chennai – 600 009.

.. Respondents

**Prayer :** Criminal Original Petition filed under Section 528 of BNSS, to call for the records and quash the First Information Report in Crime No.82 of 2026 pending investigation on the file of the Inspector of Police, Cyber Cell, CCD-I, Central Crime Branch, Chennai.

For Petitioner : Mr.A.Saravanan  
for C.Arunkumar

For Respondent : Mr.M.Mohamed Riyaz  
Government Advocate (Crl.Side) for R1

**ORDER**

The prayer in this Criminal Original Petition is to quash the First Information Report in Crime No. 82 of 2026, pending on the file of the respondent – Police.

2. Upon perusal of the First Information Report, it is seen that the complaint is given by the Junior Personal Assistant of the Minister for Hindu Religious and Charitable Endowments (HR & CE) Department, Government of Tamil Nadu, Secretariat, Chennai, alleging that on the social media platforms viz., X and Instagram, the petitioner / accused is wilfully running a deliberate and malicious disinformation campaign, thereby causing public mischief and disturbing public order with reference to the fraudulent registration of land of Arulmigu Dhandayuthapani Swamy Temple at Pazhani, by private persons. The complaint also mentions the particulars of how the information furnished in the social media posts is false. Therefore, a prayer is made to take action against the accused. The 2<sup>nd</sup> respondent/complainant has also duly enclosed the relevant screenshots of the posts.

3. Upon receipt of the complaint, a case under Crime No. 82 of 2026 for alleged offences under Sections 192, 353(1)(b) and 353(2) of the BNS, 2023 was registered. The petitioner/accused was arrested and thereafter released on bail. Aggrieved by the registration of the case, the present Criminal Original



Petition is filed.

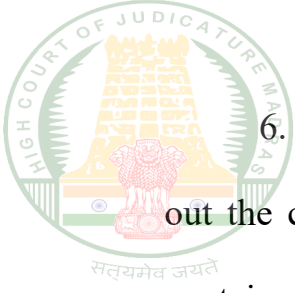
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4. *Mr. Saravanan*, the learned counsel appearing for the petitioner, would submit that the screenshots furnished with reference to the social media posts would make it clear that these are political posts forming part of a political campaign with reference to the efficiency of the management of the temple and its properties, and would be within the realm of the right to freedom of speech and expression of the petitioner. None of the offences for which the case is registered are made out by considering the social media posts.

5. The learned counsel would place heavy reliance on the Judgment of this Court in the case of *Aadhav Arjuna Vs. State rep by the Inspector of Police and Another* (Crl.O.P.No.28737 of 2025 dated 21.11.2025) wherein, after considering all the relevant Judgments of the Hon'ble Supreme Court of India, this Court examined the ingredients of the very same offences and quashed the First Information Report. The learned counsel for the petitioner would also place reliance on the Judgment of the Hon'ble Supreme Court of India in *Patricia Mukhim Vs. State of Meghalaya and Others*<sup>1</sup> for the same proposition.

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<sup>1</sup> (2021) 15 SCC 35



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6. *Per contra*, the learned Government Advocate (Crl. Side), by pointing out the contents of the social media posts, would submit that the allegations contained therein are false and spurious, and have been made with the intention of tarnishing the image of the Minister. Secondly, the words relating to Lord Muruga were used in such a manner as to create enmity among the various religious groups. A false imputation is also made as if the Government is flitting away with the temple property. The attempt is to whip up disturbance of public order.

7. I have considered the rival submissions made on either side and perused the case records.

8. Firstly, the indisputable background facts have to be taken into consideration. It is seen that the land in question is situated at the foothills of the revered Arulmighu Pazhani Dhandayuthapaniswamy Temple at Pazhani. A private person claims that the property belongs to a particular trust, whereas the HR & CE Department maintains that the property belongs to a Kattalai attached to the said temple. In this regard, it is stated that the dispute had reached finality and was ultimately decided in favour of the temple and the HR & CE Department.



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9. On 06.07.2026, a sale deed was presented by one *Murugadoss*, claiming to be a trustee, conveying the said property in favour of *D.Sethupathi* and *K. Vellathurai*. When the said sale deed was presented for registration, the Sub-Registrar passed an order refusing to register the document, merely stating that a suit in respect of the property was pending. Challenging the said refusal order, a Writ Petition was filed before the Madurai Bench of this Court. When the matter came up for hearing, it was represented that the suit had already been withdrawn. It must be noted that the entire dispute between the HR & CE Department and the trust was not brought to the notice of the Court, nor was the temple a party to the Writ Petition. Consequently, an order was passed in W.P. (MD) No. 10239 of 2026 on 10/04/2026 directing the authorities to register the sale deed.

10. Aggrieved by the said order, the temple and the authorities of the HR & CE Department preferred a Writ Appeal. By judgment dated 15.07.2026 in W.A.(MD) No.1010 of 2026, the said order was set aside. However, even before that, the said sale deed was again presented for registration on the strength of the order passed in the writ petition. It is submitted that, on the day when a particular Sub-Registrar was in charge, the document was registered without taking into account the subsisting dispute between the temple and the trust. In respect of the said registration, a criminal case has been registered in Crime No.82 of 2026, and the same is presently under investigation. In this



background, the petitioner, who is allegedly aligned with the erstwhile ruling party, has made the social media posts.

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11. Next, the contents of the posts have to be considered by this Court. In the first post, an image of the Minister, as if he is addressing social media, is attached, and the post is captioned as if,

“தவறு நடந்திருக்கு... பழனி கோயில் ரூ.100 கோடி  
நிலம் பதிவு முறைகேட்டை ஒப்புக்கொண்ட  
அமைச்சர்”

and in the bottom of the post, following sentence was mentioned,

“திமுக, அதிமுக ஆட்சில நடந்தா ஊழல் தவக  
ஆட்சில நடந்தா தவறா”.

Thus, it can be seen that it is a political comment; however, the contents of the comment, as if the incident had happened only during the current regime, is false for the aforementioned reason.

12. Then, in the second post, a picture of the private person who filed a petition against the above episode is posted, and a comment is made as if,

“மதிப்பு ரூ.100 கோடி.. விற்றது வெறும் ரூ.2 கோடி..  
கோவில் நிலத்திற்கே ஸ்வாஹா.. கேட்டா  
நிர்வாகத்திற்கே தெரியாதாம்”.

Thus, the comment suggests the administration is incompetent.



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13. The third post is set against the backdrop of the statue of Lord Muruga behind the Pazhani Temple, with the following comment,

“நாம் முருகனுக்கு மொட்டை போடுவோம்...  
ஆனால் இந்த ஆட்சியில் முருகனுக்கே  
மொட்டை போட்டிருக்காங்க”.

In the same post, the next comment was made as

“ரூ.100 கோடி மதிப்புள்ள பழனியாண்டவர்  
கோவில் நிலம், வெறும் ரூ 2 கோடிக்கு  
அமைச்சர் உறவினருக்கு  
பத்திரப்பதிவு செய்யப்பட்டதாக வெளியாகும்  
தகவல்கள் பெரும் அதிர்ச்சியை  
ஏற்படுத்தியுள்ளது. இது கோவில் சொத்துகளை  
பாதுகாக்கும் ஆட்சியா ? அல்லது கோவில்  
சொத்துக்களை பறிக்கும் ஆட்சியா ?”

14. Thus, it can be seen that the majority of the comments are political in nature, though there may be a ground for the present Government to feel that the same are uncharitable, politically motivated campaigns.

15. As far as the comment that the Minister is involved and that the land was registered in the name of his relatives, it is admittedly incorrect and prima facie appears to be false information. When this Court specifically questioned the learned counsel for the petitioner, no justification was given to suggest the involvement of the Minister or his relatives. On the other hand, it is admitted



that the post was erroneous and made without even verification of the facts.

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16. In this conspectus of facts, this Court has to consider as to prima facie whether the offences for which the case is registered or any other offence is made out. First, the case is registered for the alleged offence under Section 192 BNS. Section 192 of BNS is extracted hereunder for ready reference,

“192. Diary of proceedings in investigation.

(1) Every police officer making an investigation under this Chapter shall day by day enter his proceedings in the investigation in a diary, setting forth the time at which the information reached him, the time at which he began and closed his investigation, the place or places visited by him, and a statement of the circumstances ascertained through his investigation.

(2) The statements of witnesses recorded during the course of investigation under section 180 shall be inserted in the case diary.

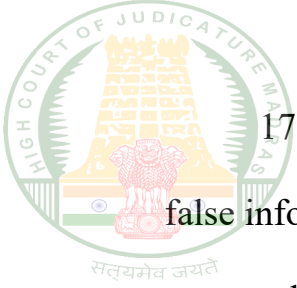
(3) The diary referred to in sub-section (1) shall be a volume and duly paginated.

(4) Any Criminal Court may send for the police diaries of a case under inquiry or trial in such Court, and may use such diaries, not as evidence in the case, but to aid it in such inquiry or trial.

(5) Neither the accused nor his agents shall be entitled to call for such diaries, nor shall he or they be entitled to see them merely because they are referred to by the Court; but, if they are used by the police officer who made them to refresh his memory, or if the Court uses them for the purpose of contradicting such police officer, the provisions of section 148 or section 164, as the case may be, of the Bharatiya Sakshya Adhiniyam, 2023, shall apply.”

Thus, it can be seen that if only the petitioner provokes, or his action is likely to provoke anyone into committing the offence of rioting, then the offence is made out.





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17. In the present case, the crux of the allegation is the dissemination of false information. The contents extracted supra were neither intended nor aimed at provoking anyone to indulge in rioting, nor is it the case for the prosecution that there was any reasonable apprehension of rioting or that any rioting had, in fact, taken place in any part of the State pursuant to the social media posts made by the petitioner. Therefore, the essential ingredients of the offence under Section 192 of the BNS, 2023, are not made out.

18. Secondly, the case is registered for the offence under Section 353(1) (b) of the BNS, and thirdly, for the offence under Section 353(2) of the BNS.

The entire Section 353 is extracted hereunder:-

“353. Accused person to be competent witness.

(1) Any person accused of an offence before a Criminal Court shall be a competent witness for the defence and may give evidence on oath in disproof of the charges made against him or any person charged together with him at the same trial:

Provided that-

(a) he shall not be called as a witness except on his own request in writing;

(b) his failure to give evidence shall not be made the subject of any comment by any of the parties or the Court or give rise to any presumption against himself or any person charged together with him at the same trial.

(2) Any person against whom proceedings are instituted in any Criminal Court under section 101, or section 126, or section 127, or section 128, or section 129, or under Chapter X or under Part B, Part C or Part D of Chapter XI, may offer himself as a witness in such proceedings:

Provided that in proceedings under section 127, section 128, or section 129, the failure of such person to give evidence shall not be made the subject of any comment by any of the parties or the Court or give rise to any presumption against him or any other person proceeded against together with him at the same inquiry.”

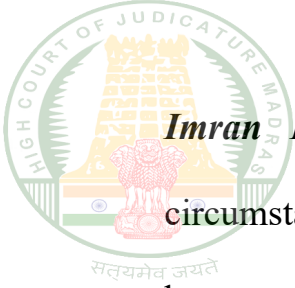


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19. The instant post can be treated as false information and the spread of a rumour through electronic means. But only if there is an intent to cause, or it is likely to cause, fear or alarm to the public, whereby any person may be induced to commit an offence against the State or against public tranquillity, the same would attract the offence. Except that the complaint mentions the word 'public tranquillity', the contents of the posts cannot be said to be likely to cause fear or alarm or to induce any person to commit an offence against the State. Even as per the complaint, the petitioner's intention is political and aimed at spreading false and scurrilous information against the Minister.

20. As far as the offence under Section 353(2) of the BNS, 2023 is concerned, it would be attracted only when the rumour or false news circulated is intended to create or promote enmity, hatred or ill-will on the grounds of religion, race, place of birth, residence, language, caste, community, etc. On a careful perusal of the social media posts, no inference can be drawn that the said posts were intended to create or promote any ill-feeling, enmity or hatred between any caste or community. Thus, none of the three offences for which the case has been registered is made out, even assuming the allegations to be true on their face value.

21. This Court, in *Aadhav Arjuna's case* (cited *supra*) had already followed the ratio of the Judgment of the Hon'ble Supreme Court of India in



*Imran Pratapgandhi Vs. State of Gujarat*<sup>2</sup>, which dealt with similar circumstances relating to a poem and addressed the issue of promoting enmity between different groups on the ground of religion, etc., and had held that the offences were not made out.

22. Even though the learned counsel for the petitioner would rely upon the observations made with reference to the right to freedom of speech and expression, as far as the instant case is concerned, it is an incontrovertible fact that attempts to register the land by the said private persons were made even before the election, and an order from the Court was obtained before the election. At the relevant point of time, it must be noted that the present incumbent, whose photographs have been portrayed in the said posts, was not in the picture when the alleged incident had occurred. Merely because the incident was reported after he assumed office, the petitioner, being a member of a political party, has made the aforesaid posts. Ordinarily, no interference can be made with such political criticism or campaigns, as they would fall within the ambit of the fundamental right to freedom of speech and expression. However, in the instant case, the said posts, prima facie, appear to contain defamatory imputations against the Minister. Therefore, it will be open to the Minister concerned to initiate appropriate proceedings in accordance with law, for the offence of defamation. However, none of the offences alleged in the

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<sup>2</sup> (2025) SCC OnLine 678



present case is made out.

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23. What is prima facie made out is that false allegations have been levelled against the Minister, who was not even in the reckoning at the time when the steps were taken to present the sale deed, when the sale deed was refused registration, or when the material facts were not brought to the notice of the High Court and an order was obtained for registration of the document. Therefore, leaving it open to the second respondent/de facto complainant or the Minister concerned to take such action as may be available in law for defamation, both civil and criminal, the First Information Report in Crime No.82 of 2026 cannot be sustained.

24. At the same time, when a specific statement was made as if the Minister's relative had purchased the property and the Minister was involved, the learned counsel for the petitioner had no answer and admitted that the post was made without verification of the facts. In view of this, when this Court further confronted the learned counsel for the petitioner on the same, the learned counsel would submit that the petitioner would file an affidavit acknowledging his mistake in posting the particular post without verifying the present status and seeking an apology and that in future the petitioner shall post/share posts at least after prima facie verification of facts. Let the said affidavit be filed. The same is insisted upon because (i) when a new incumbent



takes charge upon a fresh election, such reckless allegations will create unnecessary anxiety in the minds of the people's representatives and would ultimately interfere with their work and hence against public interest; (ii) in the current times, when such social media posts go viral and reach everyone, the damage is permanently done.

25. In view thereof, this Criminal Original Petition is disposed of on the following terms,

(i) The first information report in Cr. No. 82 of 2026 on the file of the 1<sup>st</sup> respondent shall stand quashed;

(ii) The petitioner shall file an affidavit, as undertaken before this Court, stating that he had posted that the property had been registered in the name of the Minister's relative without verifying the facts, that the said statement was incorrect, and expressing his regret for having made such posts and undertaking to verify the prima facie basis of existence/source of facts and then make/share posts in future;

(iii) This order will not in any manner preclude the launching of the proceedings both in civil and criminal as against the petitioner for defamation as per law;

(iv) Consequently, the connected miscellaneous petition is closed.

28.08.2026

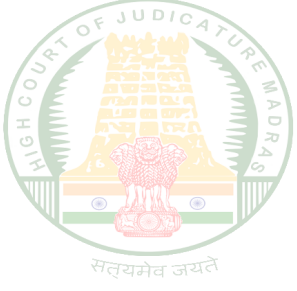
Neutral Citation : Yes / No  
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To

1. The Inspector of Police  
Cyber Cell, CCD-I, Central Crime Branch  
Greater Chennai Police  
Chennai – 600 008.
2. The Public Prosecutor  
High Court of Madras.

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**D.BHARATHA CHAKRAVARTHY, J.**

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Crl.O.P.No.20304 of 2026

28.08.2026