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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 03.11.2026

Pronounced on : 20.11.2026

CORAM

THE HON'BLE MR. JUSTICE R.VIJAYAKUMAR

CRL OP(MD) No. 23314 of 2026

CNR:{HCMD011391672026}

and

CRL MP(MD) No. 22060 of 2026

Theeran Thirumurugan @ Thirumurugan

..Petitioner(s)

Vs

1. State Of Tamilnadu,
   Rep By Inspector Of Police,
   Cyber Crime Wing Police Station (CCD-III),
   Ramanathapuram District.
   (Crime No.16 of 2026)

2. K.Naina Mohammed
   District Joint Secretary,
   Tamilaga Vettri Kazhagam,
   No.228, Railway Station Road,
   Velipattinam,
   Ramanathapuram Taluk,
   Ramanathapuram District - 623 504.

..Respondent(s)

PRAYER: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the entire records in connection with the case in Crime No.16/2026, dt.09/07/2026 on the file of the respondent police and quash the same as illegal.

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For Petitioner(s) :M/s W.Cleetus

For Respondent(s) : Mr.John Sathyan
State Public Prosecutor assisted by
M/s.P.Samuel Gunasingh
Additional Public Prosecutor for R1

ORDER

This Criminal Original Petition has been filed by the petitioner, who is arrayed as the sole accused in Crime No.16 of 2026 on the file of the first respondent police, invoking Section 528 of BNSS, 2023, praying to quash the First Information Report registered against him for the alleged offences under Sections 352 and 353(2) of BNS, 2023.

The brief facts, as projected by the prosecution, are as follows:-

2. The second respondent/defacto complainant claims to be the District Secretary of the Ramanathapuram East District Unit of Tamilaga Vettri Kazhagam. It is his case that on 08.07.2026, he happened to view a video uploaded on the Instagram ID "theeran_thirumurugan", in which the speaker commented upon the announcement made by the Hon'ble Chief Minister that Government employment would be extended to the families of the 41 persons who lost their lives in the Karur incident. In his complaint dated 09.07.2026, the second respondent alleged that the speaker in the said video had spoken about the Hon'ble Chief Minister in an indecent and derogatory manner, which is prejudicial to the political

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atmosphere of the State of Tamil Nadu. Based on the said complaint, the Sub Inspector of Police registered the present FIR at 02.00 p.m. on 09.07.2026.

3. It is relevant to note that the FIR does not extract the actual words alleged to have been spoken in the video. The said words have been brought on record only for the first time through the counter affidavit filed on behalf of the first respondent.

4. The first respondent has also produced before this Court a report of the respondent police received on 13.10.2026, along with a Tamil transcription of the video uploaded on the said Instagram ID. A perusal of the subject line of the said report would show that the petitioner is alleged to have spoken ill of the Government of Tamil Nadu for its decision to provide Government employment in connection with the death of 41 persons in Karur District, and to have spoken about the reputation of the Hon'ble Chief Minister in a disrespectful manner.

Submissions made on either side:-

5. The learned counsel appearing for the petitioner would contend that the video in question is nothing but a comment on a decision of the Government, which decision itself was the subject matter of litigation. It is further contended that the FIR does not disclose the words allegedly spoken and merely employs adjectives to describe them. According to the

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learned counsel, none of the ingredients of the offences under Sections 352 and 353(2) of BNS are attracted. The learned counsel would further submit that the person who is alleged to have been insulted has not chosen to lodge any complaint, and the only remedy, if at all, is to initiate proceedings for defamation. It is also contended that the registration of the FIR at the instance of a functionary of the ruling party, without conducting a preliminary enquiry as contemplated under Section 173(3) of BNSS, would amount to an abuse of the process of law.

6. Per contra, the learned State Public Prosecutor appearing for the first respondent would submit that the FIR came to be registered only after obtaining legal opinion. It is his submission that the video uploaded as an Instagram reel clearly reveals the ill-intention of the petitioner and was intended to disturb public harmony. According to the learned State Public Prosecutor, the mere publication of a statement which is likely to cause disturbance to public order is sufficient to attract the offence under Section 353(2) of BNS. He would further submit that the investigation is only at a nascent stage and the technical details are yet to be received. He would also point out that the petitioner, having failed to appear pursuant to the notice issued under Section 35(3) of BNSS, is not entitled to seek any indulgence from this Court.

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7. The learned State Public Prosecutor would further submit that the tone and tenor of the speech of the petitioner, as could be seen from the video, would clearly demonstrate his ill-intention.

8. Heard the learned counsel on either side and perused the materials available on record.

Discussion:-

9. In the case on hand, the entire accusation against the petitioner rests solely on the words spoken by him in the video. The first respondent has placed the said words before this Court. Hence, this Court proceeds to examine whether, even if the version of the first respondent as to the words spoken is accepted in its entirety, the offences alleged are made out.

10. The substance of the transcription of the speech may be summarised as follows:-

a) The speaker questioned as to why Government employment should be provided to the families of the 41 persons who died at Karur, when they had gone there only to see an actor, whom he referred to as 'Koothadi payal';

b) he stated that the actor fled from the spot, leaving behind the crowd which had gathered and perished, and that it was Senthamizhan Seeman who went amidst the people and consoled them;

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c) he questioned whether the deceased were persons comparable to those who raised their voices against British imperialism, such as V.O.Chidambaram Pillai, so as to deserve such treatment;

d) he stated that several lakhs of rupees had already been announced as compensation to the families, and that providing Government employment in addition thereto would create an impression among the public that gathering to see an actor would fetch them Government employment and lakhs of rupees;

e) he questioned whether this is a country or a kingdom ruled by the actor. Using a coarse colloquial expression, he challenged the authorities to register a case against him for abusing the Chief Minister, and stated that he was prepared to face the same;

f) he reiterated that this is not a country but a "Kedukatta Nadu" (degenerate country), questioned whether a Government job had become so cheap that it should be given merely because 41 persons died after going to see an actor, and on that basis called them shameless people.

11. A reading of the speech as a whole would make it clear that it is, from start to finish, a protest against a decision of the Government and against the Chief Minister personally, couched in harsh and disrespectful language. The speech does not make any reference to any religion, caste,

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language, region or community. Nor does it call upon anyone to do any act, except to register a case against the speaker himself.

12. Section 352 of BNS, which corresponds to Section 504 of IPC, makes it punishable for a person to intentionally insult and thereby give provocation to any person, intending or knowing it to be likely that such provocation will cause him to break the public peace or to commit any other offence.

13. The Hon'ble Supreme Court, ***in Fiona Shrikhande Vs. State of Maharashtra and another, reported in (2013) 14 SCC 44,*** has held as follows in paragraph No.13:-

> *"13. Section 504 IPC comprises of the following ingredients viz. (a) intentional insult, (b) the insult must be such as to give provocation to the person insulted, and (c) the accused must intend or know that such provocation would cause another to break the public peace or to commit any other offence. The intentional insult must be of such a degree that should provoke a person to break the public peace or to commit any other offence. The person who intentionally insults intending or knowing it to be likely that it will give provocation to any other person and such provocation will cause to break the public peace or to commit any other offence, in such a situation, f the ingredients of Section 504 are satisfied. One of the essential elements constituting the offence is that there should have been an act or conduct amounting to intentional insult and the mere fact that the accused abused the complainant, as such, is not sufficient by itself to warrant a conviction under Section 504 IPC."*

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14. In ***Madhushree Datta Vs. State of Karnataka and another, reported in (2025) 3 SCC 612,*** the Hon'ble Supreme Court, in paragraph Nos.24 and 26, has held as follows:-

> *"24. A perusal of Section 504 IPC reveals that a mere act of insulting someone does not fulfil its requirements; the insult must be of such a nature that it provokes the person insulted to breach the public peace or engage in criminal conduct. Therefore, to establish the ingredients of Section 504 IPC, it must be demonstrated, based on the available material, that there was intentional insult with the intent or knowledge that such insult would provoke either disturbance of the public peace or the commission of any other offence.*
>
> *26. In the instant case, the charge-sheet states that the appellants used "filthy language" while scolding the complainant; however, no such allegation is made against the appellants in the complaint. Furthermore, it is nowhere alleged that this act of using filthy language and insulting the complainant by the appellants, has provoked the complainant to commit breach of public peace or to commit any other offence. Therefore, from the materials on record, the ingredients of the offence under Section 504 IPC, as explained in the abovesaid decision, are not satisfied."*

15. The Hon'ble Supreme Court, ***in Mohammad Wajid and Another Vs. State of U.P. and Another, reported in (2023) 20 SCC 219***, has held as follows in paragraph No.31:-

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> *"31.Mere abuse, discourtesy, rudeness or insolence, may not amount to an intentional insult within the meaning of Section 504, IPC if it does not have the necessary element of being likely to incite the person insulted to commit a breach of the peace of an offence and the other element of the accused intending to provoke the person insulted to commit a breach of the peace or knowing that the person insulted is likely to commit a breach of the peace. Each case of abusive language shall have to be decided in the light of the facts and circumstances of that case and there cannot be a general proposition that no one commits an offence under Section 504, IPC if he merely uses abusive language against the complainant.* ***In King Emperor v. Chunnibhai Dayabhai,*** *a Division Bench of the Bombay High Court pointed out that:-*
>
> > *"To constitute an offence under Section 504, I.P.C. it is sufficient if the insult is of a kind calculated to cause the other party to lose his temper and say or do something violent. Public peace can be broken by angry words as well as deeds."*

16. In the case on hand, the person said to have been insulted is the Hon'ble Chief Minister. Admittedly, he was not present when the video was made, nor is he the complainant. There is no allegation either in the FIR or in the counter affidavit that any person was provoked by the video or that any breach of peace ensued. The words attributed to the petitioner may be forceful and disrespectful, but mere forcefulness of expression, by itself, would not constitute an offence under Section 352 of BNS.

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17. The prosecution lays much emphasis on the passage summarised in paragraph 10(e) above, wherein the speaker, in vulgar terms, challenges the authorities to register a case against him. On a holistic reading, the said passage only conveys that the speaker is prepared to face legal proceedings. It is addressed to the authorities and not to any person who could be provoked to break the peace. It does not incite anyone. Whatever may be said about its taste, the said passage does not satisfy the ingredient of provocation, which is the sine qua non for an offence under Section 352 of BNS.

18. Section 353(2) of BNS, which corresponds to Section 505(2) of IPC, requires the following ingredients:-

a) the making, publishing or circulating of any statement or report containing false information, rumour or alarming news;

b) with intent to create or promote, or which is likely to create or promote, feelings of enmity, hatred or ill will;

c) between different religious, racial, language or regional groups or castes or communities.

19. Neither the FIR nor the counter affidavit points out any false information, rumour or alarming news contained in the video. The incidents referred to therein are admitted by the first respondent itself.

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What remains is only the opinion of the petitioner on a decision of the Government, expressed in strong and disrespectful terms.

20. The FIR does not identify any two groups or communities between whom enmity is sought to be promoted. The counter affidavit merely refers to a "section of the public". In this regard, it would be useful to refer to the decision of the Hon'ble Supreme Court in ***Bilal Ahmed Kaloo Vs. State of A.P., reported in (1997) 7 SCC 431,*** wherein it has been held as follows in paragraph Nos.10 and 15:-

> *“10. Section 153-A was amended by the Criminal and Election Laws (Amendment) Act, 1969 (Act No. 35 of 1969). It consists of three clauses of which clauses (a) and (b) alone are material now. By the same Amending Act sub-section (2) was added to Section 505 of the Indian Penal Code. Clauses (a) and (b) of Section 153-A and Section 505(2) are extracted below:*
>
> *"153-A. Promoting enmity between different groups on grounds of religion, race, place of birth, residence, language, etc., and doing acts prejudicial to maintenance of harmony.-(1) Whoever-*
>
> *(a) by words, either spoken or written, or by signs or by visible representations 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, or*
>
> *(b) commits any act which is prejudicial to the maintenance of harmony between different religious, racial, language or*

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regional groups or castes or communities, and which disturbs or is likely to disturb the public tranquillity, or

(c) shall be punished with imprisonment which may extend to three years, or with fine, or with both.

505. (2) Statements creating or promoting enmity, hatred or ill will between classes.- Whoever makes, publishes or circulates any statement or report containing rumour or alarming news with intent to create or promote, or which is likely to create or promote, on grounds of religion, race, place of birth, residence, language, caste or community or any other ground whatsoever, feelings of enmity, hatred or ill will between different religious, racial, language or regional groups or castes or communities, shall be punished with imprisonment which may extend to three years, or with fine, or with both."

The common ingredient in both the offences is promoting feeling of enmity, hatred or ill will between different religious or racial or linguistic or regional groups or castes or communities. Section 153-A covers a case where a person by "words, either spoken or written, or by signs or by visible representations" promotes or attempts to promote such feeling. Under Section 505(2), promotion of such feelings should have been done by making and publishing or circulating any statement or report containing rumour or alarming news.

15. The common feature in both sections being promotion of feeling of enmity, hatred or ill will "between different" religious or racial or linguistic a or regional groups or castes and communities, it is necessary that at least two such groups or communities should be involved. Merely inciting the feeling of one community or group without any reference to any other community or group cannot attract either of the two sections."

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21. The contention raised in the counter affidavit that the mere publication of a statement which may cause disturbance to public order is sufficient to attract the offence under Section 353(2) of BNS, cannot be countenanced, as the provision does not say so. As held by the Hon'ble Supreme Court in ***(2024) 4 SCC 156,*** the effect of the words must be judged from the standards of reasonable, strong-minded, firm and courageous persons, and not those of persons who perceive a threat in every critical comment.

22. It may be contended that the statement summarised in paragraph 10(b) above, namely, that the actor fled leaving the crowd behind, is an assertion of fact which is disputed by the complainant. Even assuming, without deciding, that the said assertion is inaccurate, it relates only to the alleged conduct of one individual in respect of a widely reported public event. It is not a statement which promotes enmity between two groups or communities. Hence, the ingredients of the offence under Section 353(2) of BNS are not made out. If the remark is false and is injurious to reputation, the remedy lies under the law of defamation, and not by way of registration of a criminal case of this nature.

23. The video relates to a decision of the Government. It is not in dispute that the said decision was the subject matter of W.P.(MD)No.19539 of 2026 before this Court, which was instituted by the

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petitioner himself. The petitioner succeeded before this Court in having the order granting employment set aside. However, the matter is now pending consideration before the Hon'ble Supreme Court in ***SLP(C)No.26856 of 2025***, wherein an order of interim stay has been granted. It is therefore evident that the issue is one of genuine public debate. In this context, it would be apposite to refer to the decision of the Hon'ble Supreme Court in ***Javed Ahmad Hajam Vs. State of Maharashtra and another***, reported in ***(2024) 4 SCC 156***, wherein it has been held as follows:-

> *"14. The right to dissent in a legitimate and lawful manner is an integral part of the rights guaranteed under Article 19(1)(a). Every individual must respect the right of others to dissent. An opportunity to peacefully protest against the decisions of the Government is an essential part of democracy. The right to dissent in a lawful manner must be treated as a part of the right to lead a dignified and meaningful life guaranteed by Article 21. But the protest or dissent must be within four corners of the modes permissible in a democratic set up. It is subject to reasonable restrictions imposed in accordance with clause (2) of Article 19. In the present case, the appellant has not at all crossed the line."*

24. This Court does not approve of the language attributed to the petitioner. Persons who comment on public affairs are expected to exercise restraint and to show due respect to constitutional offices.

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However, mere disapproval of the manner of speech cannot by itself justify the initiation of criminal proceedings.

25. This Court, in ***D.Sudha Vs. State (Crl.OP.No.30986 of 2026, dated 02.11.2026),*** has held that the office of the Chief Minister is not so fragile as to be shaken by such words, and that its dignity is not enhanced by subjecting such words to criminal prosecution.

26. The grievance projected in the complaint is that the Hon'ble Chief Minister was insulted. If the words are defamatory, the law provides a specific remedy under Section 356 of BNS, by way of a complaint by the person aggrieved, and the said procedure carries its own inbuilt safeguards. Such procedure cannot be circumvented by registering an FIR for public order offences, the ingredients of which are wholly absent. In any event, the second respondent cannot be said to be a person aggrieved by the alleged defamation.

27. The High Court of Telangana, in ***Nalla Balu @ Durgam Shashidhar Goud & Another Vs. State of Telangana (Crl.P.Nos.4905, 4903 and 8416 of 2025, dated 10.09.2025),*** quashed an FIR registered under Sections 192, 353(1)(b), 352 and 356 of BNS, 2023, and further laid down, in paragraph No.29 of the said order, a set of operational guidelines to be followed by the police authorities and Judicial Magistrates while dealing with proceedings initiated on the basis of social

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media posts. The said order was challenged by the State of Telangana in ***Special Leave Petition (Criminal) Diary No.71178 of 2025.*** The Hon'ble Supreme Court, by order dated 02.02.2026, not only affirmed the quashing of the FIR, but also declined to interfere with the order of the High Court, including the guidelines issued in paragraph No.29.

28. Paragraph Nos.6 and 7 of the order of the Hon'ble Supreme Court read as follows:-

"6. However, the State has something to say as regards the broad guidelines laid down by the High Court as contained in para 29 of the impugned judgment is concerned. According to Mr.Luthra, the guidelines issued by the High Court are inconsistent with each other and in such circumstances he urged that this Court should look into the guidelines and rectify the inconsistencies. Para 29 reads thus:-

"29. Before parting with this judgment, this Court considers it necessary to make certain observations. Having regard to the factual and legal position discussed herein, and with a view to safeguarding fundamental rights as well as preventing the criminal process from being invoked mechanically or arbitrarily, it is appropriate to prescribe a set of operational guidelines for police authorities and Judicial Magistrates when dealing with proceedings initiated on the basis of social media posts. These directions are particularly relevant in cases where the registration of First Information Reports (FIRs) is sought in connection with such posts. Accordingly, the police authorities are directed to adhere to the following guidelines:

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i. Verification of locus standi: Before registering any FIR for alleged defamation or similar offences, the police must verify whether the complainant qualifies as the "person aggrieved" in terms of law. Complaints by unrelated third parties lacking standing are not maintainable, except where the report concerns a cognizable offence.

ii. Preliminary inquiry in cognizable offences: Where a representation/complaint discloses a cognizable offence, the police shall, prior to registration of crime, conduct a preliminary inquiry to ascertain whether the statutory ingredients of the alleged offence are, prima facie, made out.

iii. High threshold for media post/speech-related offences: No case alleging promotion of enmity, intentional insult, public mischief, threat to public order, or sedition shall he registered unless there exists prima facie material disclosing incitement to violence, hatred, or public disorder. This threshold must be applied in line with the principles laid down in Kedar Nath Singh v. State of Bihar, 1962 Supp (2) SCR 769, and Shreya Singhal v. Union of India, (2015) 5 SCC 1.

iv. Protection of political speech/post: The police shall not mechanically register cases concerning harsh, offensive, or critical political speech. Only when the speech amounts to incitement to violence or poses an imminent threat to public order may criminal law be invoked. Constitutional protections for free political criticism under Article 19(l)(a) of the Constitution must be scrupulously enforced.

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v. Defamation as a non-cognizable offence: Since defamation is classified as a non-cognizable offence, the police cannot directly register an FIR or crime in such matters. The complainant must be directed to approach the jurisdictional Magistrate. Police action may follow only upon a specific order of the Magistrate under Section 174(2) of the BNSS.

vi. Compliance with arrest guidelines: In all cases, the police shall strictly comply with the principles laid down in Arnesh Kumar v. State of Bihar, (2014) 8 SCC 273. Automatic or mechanical arrests are impermissible, and the principle of proportionality in the exercise of criminal process must be observed.

vii. Prior legal scrutiny in sensitive cases: In matters involving political speech/post or other sensitive forms of expression, the police shall obtain prior legal opinion from the Public Prosecutor before registering an FIR, to ensure that the proposed action is legally sustainable.

viii. Frivolous or motivated complaints: Where a complaint is found to be frivolous, vexatious, or politically motivated, the police shall close the matter under Section 176(1) of the BNSS, citing absence of sufficient grounds for investigation."

7. We have looked into para 29 threadbare. We are of the view that we should not interfere with the impugned judgment and order passed by the High Court including the guidelines issued by the High Court."

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29. Among the said guidelines issued by the High Court of Telangana and affirmed by the Hon'ble Supreme Court, guideline No.(i) deals with locus standi, and mandates that before registering an FIR, the authorities shall verify whether the complainant qualifies as a "person aggrieved" in terms of law. Guideline No.(iv) stipulates that the police shall not mechanically register cases concerning harsh, offensive or critical political speech, and that the criminal law may be set in motion only when the speech amounts to incitement to violence or poses an imminent threat to public order.

30. In the case on hand, it is admitted that the second respondent/defacto complainant is not the person aggrieved. Though this Court does not approve of the language employed by the petitioner, the speech is purely a political comment on the policy decision of the State Government to provide employment to the family members of the deceased in the Karur incident. There is neither any incitement to violence nor any imminent threat to public order warranting the invocation of criminal law.

31. On a consideration of the FIR and the materials placed by the first respondent, even if taken at their face value, this Court is of the considered view that the ingredients of the offences under Sections 352 and 353(2) of BNS are not made out against the petitioner. Permitting the

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proceedings to continue would, therefore, amount to an abuse of the process of law, and this Court finds it to be a fit case to exercise its inherent powers under Section 528 of BNSS.

32. It is made clear that this order shall not stand in the way of any person aggrieved pursuing such remedy as may be available in law in respect of defamation. The observations made herein are confined only to the question as to whether the FIR discloses the offences alleged.

Conclusion:-

33. In fine, the FIR in Crime No.16 of 2026 on the file of the first respondent police is quashed and this Criminal Original Petition stands allowed. Consequently, the connected miscellaneous petition is closed.

20.11.2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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To

1. The Inspector Of Police,
   Cyber Crime Wing Police Station (CCD-III),
   Ramanathapuram District.

2. The Additional Public Prosecutor,
   Madurai Bench of Madras High Court,
   Madurai.

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R.VIJAYAKUMAR, J.
RJR

Pre-delivery order made in
CRL OP(MD) No. 23314 of 2026

20.11.2026

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