IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 21.12.2024

Coram:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.O.P.(MD).No.9663 of 2023
and
Crl.M.P.(MD).Nos.7767 and 7768 of 2023
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Thol.Thirumavalavan .. Petitioner

Vs.

Dr.V.Vedha @ Dhamodharan .. Respondent

Criminal Original Petition filed under Section 482 of Cr.P.C. praying to call for the records pertaining to the private complaint in C.C.No.35 of 2021, pending before the District Munsif-cum-Judicial Magistrate, Peraiyur, Madurai District, for the alleged offences under Sections 120-B, 295-A, 298, 500, 509 of IPC and Section 67 of the Information Technology Act and quash the same as illegal as against the petitioner.

For petitioner : M/s.S.Deepika
For respondent : No appearance

ORDER

This petition has been filed praying to call for the records pertaining to the private complaint in C.C.No.35 of 2021, pending before the District Munsif-cum-Judicial Magistrate, Peraiyur, Madurai District, for the alleged offences under Sections 120-B, 295-A, 298, 500, 509 of IPC and Section 67 of the Information Technology Act and quash the same as illegal as against the petitioner.

2. The petitioner has been arrayed as A.1 in C.C.No.35 of 2021 on the file of the District Munsif-cum-Judicial Magistrate, Peraiyur, Madurai District and the said C.C.No.35 of 2021 is a private complaint filed by the respondent-De.facto complainant.

3. The Court below took the complaint filed by the respondent on file in C.C.No.35 of 2021 in respect of the offences under Sections 120-B, 295-A, 298, 500 and 509 IPC read with Section 67 of the Information Technology Act.

4. The case of the petitioner is as follows:

(a) According to the private complaint filed by the

respondent/complainant, on 24.10.2020, when he was in his village, he saw a you-tube channel of A.2, namely "Periyar", wherein he saw a video footage of A.1, in which A.1 uttered, lowered and false story about the Hindu women and being a member of Hindu family, his mind was throbbing with shame. It is stated in the private complaint filed by the respondent that his main allegation is that A.1 lowered the image of women in public and thereby, he has humiliated the feelings of Hindu women with the help of A.2. Therefore, the respondent herein filed the above said private complaint before the District Munsif-cum-Judicial Magistrate, Peraiyur, Madurai District. After taking cognizance of the complaint, the District Munsif-cum-Judicial Magistrate, Peraiyur, Madurai District, issued summons to the petitioner herein.

(b) The petitioner is the President of a political party, namely Viduthalai Chiruthaigal Katchi (VCK). Further, he is a Member of Parliament in the present Lok Shaba has been elected from the Chidambaram Constituency. The petitioner's political party registered with the Election Commissioner of India and State Election Commission. The petitioner's political party's main object is protecting the rights and advancing the interests of the oppressed Sections of the society. Due to the party's object, the petitioner has been doing his service in day and night towards the oppressed people by following the foot-path of the petitioner's fore-fathers Dr.Ambedkar's and Thanthai Periyar's ideologies and

doctrines.

(c) On 27.09.2020, the petitioner participated in an international conference, which was conducted through video-conference during amidst COVID-19 restrictions imposed by the Union Government. In the said conference, the petitioner delivered his speech in the topic of "Periyar & Indian Politics". In his speech, the petitioner spoke about as to how the women are mentioned in the "Manu Smriti" and thereafter, the said video was podcasted by A.2 through his you-tube channel, namely "Periyar TV". The petitioner did not utter any word lowering the modesty of any woman other than what was written in "Manu Smriti".

5. The petitioner has filed the present petition to quash the private complaint in C.C.No.35 of 2021 on the file of the District Munsif-cum-Judicial Magistrate, Peraiyur, Madurai District, on the ground that the averments made in the private complaint, do not attract the provisions of the offences as stated above.

6. Further, the case of the petitioner is that he did not utter any single word other than what was written in "Manu Smriti" and its Tamil translation version. The petitioner no-where spoke, which is evidenced from video that

exceeded his right and hence, the private complaint is liable to be quashed.

7. According to the petitioner, the speech made by him is only based on the written book "Manu Smriti" and its translated version and therefore, he may not be found fault with for addressing such wordings based on the said book. Moreover, he has not intentionally made any speech and degraded the reputation of the Indian women, especially the Hindu women. What the petitioner uttered in the speech is not the same thing as that of the said book. Therefore, it is not a personal invention or it is a created speech of himself and the respondent did not get affected personally and the Court below failed to apply mind, as the petitioner has simply taken the complaint on file without any materials available on record to show that the petitioner had made hate-speech about the Hindu / Indian women of our country and therefore, the petitioner prays to quash the private complaint, now, pending on the file of the District Munsif-cum-Judicial Magistrate, Peraiyur, Madurai District.

8. Though notice had been served on the respondent and his name is also printed in the cause list, none appeared for the respondent today (20.12.2024). Hence, this Court perused the materials available on record and heard the learned counsel for the petitioner alone.

9. On a reading of the complaint, it is seen that the main allegation made by the respondent-de.facto complainant is that the speech rendered by the petitioner was telecast in the you-tube channel, which amounts to be a hate-speech against the Indian women, more particularly, the Hindu women.

10. On a reading of the entire materials available on record, it is conspicuously clear that the petitioner had referred about the book "Manu Smriti", he has spoken about the same and therefore, this Court finds that the allegations made by the petitioner do not attract the offence(s) that would be made out as stated supra in IPC and Information Technology Act. In these circumstances, this Court finds that the petitioner has not committed any of the offence(s) alleged against him, as referred to in the private complaint.

11. Therefore, this Court finds that the complainant has not stated that after hearing the speech of the petitioner, they have referred to the book "Manu Smriti" and no-where the contents of the book "Manu Smriti" could be culled out from his speech. He has spoke only in general parlance. Hence, in the absence of the same, on a reading of the affidavit filed along with this petition, it could be inferred that he had uttered such words as mentioned in the said book. What has

been stated in the book "Manu Smriti" had been only made as his speech and in the facts and circumstances of this case, this Court does not find that any of the offences as alleged by the de-facto complainant is made out, since prima-facie, nothing is available on record to prosecute the complaint filed by the respondent herein.

12. At this juncture, it has to be stated that there is no intention for the petitioner to commit any hate speech and is not affecting anyone and his speech is only in general parlance.

13. Hence, for the reasons stated above, this petition is allowed, quashing the private complaint in C.C.No.35 of 2021 on the file of the District Munsif-cum-Judicial Magistrate, Peraiyur, Madurai District. The connected miscellaneous petitions are closed.

21.12.2024

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To

1. The District Munsif-cum-Judicial Magistrate, Peraiyur, Madurai District.

2. The Public Prosecutor, High Court, Madras.

3. The Public Prosecutor, Madurai Bench of Madras High Court, Madurai.

4. The Section Officer, Criminal Side Records Section, High Court, Madras.

5. The Section Officer, Criminal Side Records Section,
   Madurai Bench of Madras High Court, Madurai.

P.VELMURUGAN, J

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