



Crl.OP.(MD)No.17575 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

(Criminal Jurisdiction)

Reserved on: 27.11.2025

Pronounced on: 20.01.2026

PRESENT

The HONOURABLE MRS.JUSTICE S.SRIMATHY**CRL OP(MD)No.17575 of 2023****and****CRL MP(MD)No. 13938 of 2023**

Amit Malviya

... Petitioner

Vs.

1. State through,
The Inspector of Police,
CCB Police Station,
Tiruchirappalli City
(Crime No.11 of 2023)

2. K.A.V. Thinakaran,
District Organiser,
DMK-Advocate Wing, Trichy South,
Tiruchirappalli,
68, Pillayarkovil Street,
Sangiliyandapuram,
Trichy South,
Trichy District.

... Respondents

PRAYER: Criminal Original Petition is filed under Sec.482 of Cr.P.C., to call for the records pertaining to the impugned First Information Report in Crime No.11 of 2023, on the file of the 1st respondent police and and quash the same in respect of the petitioner alone.



WEB COPY

For Petitioners: Mr. N Anantha Padmanabhan
Senior Counsel
for M/s. APN Law Associates

For Respondents: Mr.M.Ajmal Khan,
Additional Advocate General
Assisted by Mr.A.S. Abul Kalaam Azad
Government Advocate (Crl Side) for R1

ORDER

The Criminal Original Petition has been filed to quash the FIR in Crime No.11 of 2023 for the offences punishable under sections 153, 153A and 505(1)(b) IPC, 1860 on the file of the 1st respondent Police in respect of the petitioner alone.

2. The facts of the case are that the Minister, while addressing the gathering in the aforementioned conference on 02.09.2023 had stated,

“... only a few things can be resisted. Some have to be eliminated. In that sense, even Sanathan must be eliminated. We cannot resist mosquito, dengue, coronavirus. They must be eliminated. In that sense, even Sanathana must be eliminated...”

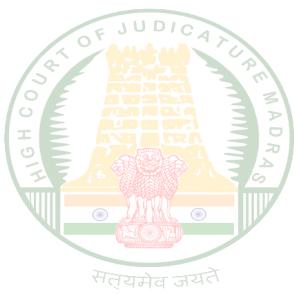
While drawing an analogy between diseases, such as coronavirus, dengue fever, malaria and the Sanathana Dharma and the need for their elimination. The



petitioner / accused had replied to the said speech of the minister in his twitter WEB COPY account.

3. The case of the prosecution as stated by the defacto complainant is that the petitioner's action of sharing a video featuring Mr. Udhayanidhi Stalin, the Hon'ble Minister of Youth Welfare and Sports, Government of Tamil Nadu, wherein the video captures minister Mr. Udhayanidhi Stalin attending and delivering a speech as Special Guest at a conference titled 'Sanathan Abolition Conference,' organized by the Tamil Nadu Progressive Writers Artists Association on September 2, 2023. The allegation against the petitioner is that, with a malicious intent, he on his 'X' twitter handle posted the video with the aim of "provoking violence between two factions" through the dissemination of false information. The 2nd respondent alleges in his complaint that the petitioner distorted the said speech of the minister and posted it on his Twitter X App on 02.09.20223 stating that

"The minister has linked Sanatana Dharma to Malaria and Dengue... He thinks that it must be eradicated and not merely opposed. In short, he calls for the Genocide of 80% of the population of Bharat, who follow Sanatana Dharma; DMK is a prominent member of the opposition block and a long-standing ally of the Congress. Is this what was agreed in the Mumbai meeting?"



WEB COPY

The further case of the prosecution is that the minister, via a clarificatory tweet to the petitioner's tweet, responded

"I never called for the Genocide of the people who are following Sanatana Dharma...uprooting Sanathana Dharma is upholding humanity and human equity. I stand firmly by every word I have spoken ... I believe that Sanath Dharma is responsible for many social evils like spread of diseases like COVID-19, Dengue and malaria by mosquitoes"

Hence the contention of the 2nd respondent is that the petitioner intentionally misrepresented the speech of the minister with the aim of fomenting animosity among various segments of society, thereby eroding the sense of unity among them.

4. The contention of the petitioner is that in reality the tweet and clarificatory tweet, it was the minister who, during his address at the aforementioned conference, made a firm statement to eradicate Sanathan stating that like eradicating dengue, malaria and corona Sanathan should also be eradicated. This statement in itself is of a grave nature and has the potential to inflame hatred and encourage violence against the majority citizens of Bharat who follow Sanathan Dharma. And the petitioner had simply extracted the



speech made by the Hon'ble Minister that was already in the media and had

WEB COPY expressed his understanding of the same and had questioned the object and

purpose of the same. Therefore, the allegations against the petitioner are false and absurd and politically motivated. Hence the present petition to quash the FIR is filed.

5. This Court issued notice to the 2nd respondent and private notice was permitted. The 2nd respondent after receiving notice failed to appear through counsel. Hence the Court directed to print the name of the 2nd respondent and inspite of the same the 2nd respondent failed to appear either in person or through counsel.

6. The 1st respondent had filed detailed counter wherein it is stated that while the Minister was addressing a conference conducted by Tamil Nadu Progressive Writers Artists Association (Tamil Nadu Murpokku Ezhuthalar Kalaingarkal Sangam), the Minister had stated that the topic is appropriate, instead of Sanathana Ehirppu (opposing Sanathan) it has been rightly titled as Sanathana Ozhippuu (eradicating Sanathan). Sanathan ought to be eradicated. Sanathan derived from Sanskrit language and Sanathan is against the equality and social justice and it has to be changed, the Dravidian and Communist are



questioning the ideology and also many political parties spoken about this. But the BJP IT wing National President / the petitioner herein had shared a “twisted video” and has stated that,

“Udhayanidhi Stalin, son of Tamil Nadu, CM, M.K.Stalin and Minister in the DMK Government has linked Sanathana Dharma to malaria and Dango. He is of the opinion that it must be eradicated and not merely opposed. In short, he is calling for genocide of 80% population of Bharat who follow Sanathan Dharma. DMK is a prominent member of the opposition and a long-standing ally of the Congress. Is this what was agreed in the Mumbai meet?”

The Minister had replied to the said tweet, wherein he had stated that

“He never called for Genocide of the people who are following Sanathana Dharma. Sanathana Dharma is a principle that divides people in the name of caste and religion. Uprooting Sanathana Dharmais upholding humanity and human equity. I stand firmly by every word I have spoken. I spoke on behalf of the oppressed and marginalized and who suffers due to the Sanathana Dharma. I am ready to present the extensive writings of Periyar and Ambedkar, who conducted in depth research on Sanathana Dharma and its negative impact on society in any form. Let me reiterate the crucial aspect of my speech. I believe like the spread of diseases like Covid-19, Dengue and Malaria by mosquitoes that Sanathana Dharma is responsible for many social evils. I am prepared to confront any challenges that come my way whether in the Court of Law or people’s court. Stop spreading fake news.”

The minister had clearly explained the speech. Even after explanation the



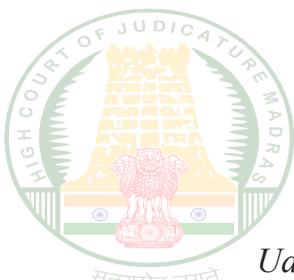
accused / petitioner was continuously spreading fake news to create enmity

WEB COPY between two groups. The Hon'ble Supreme Court in Ashwini Kumar Upadhyaya

Vs. Union of India in Writ Petition (Civil) No. 943 / 2021 vide order dated 28.04.2023 had directed the States / Union Territories to suo moto file FIR's without any complaints for offences of Hate Speeches under sections 153A, 153B, 295A and 506 IPC and the further held if such FIR are not filed contempt would be initiated. Hence the 1st respondent had taken action based on the complaint of the 2nd respondent.

7. The counter further questions that the Governor and BJP can speak about the Sanathan then why cannot the Minister speak about the Sanathan? And further states that many had already spoken against Sanathana Dharma in India namely Mahatma Gandhi, Thanthai Periyar, Kamarajar, Buddha, Ramanujar, Vallalar. Hence action was taken against the petitioner for the politically motivated fake news which had creating enmity between multiple groups with an ulterior motive. Hence the FIR was filed against the petitioner. After registering the FIR, the respondent had recorded the witness statement, collected the social media posting. In another posting the petitioner had shared a hate and fake news wherein it is stated that,

"There is eerie similarity between how Hitler characterized the Jews and



WEB COPY *Udhayanidhi Stalin described Sanathana Dharma. Like Hitler, Stalin Jr also demanded that Sanathana Dharma be eradicated. We know how Nazi hate culminated in Holocaust, killing approx. 6 million European Jews and at least another 5 million Soviet prisoners of war and other victims.”*

Uday Stalin’s mediated comment is unadulterated hate speech and call for genocide of 80% population of Bharat, who follow Sanathana Dharma. Congress and I.N.D.I. Alliance support for Stalin’s bile is most disconcerting.”

8. The petitioner had shared the posting in Hindi language also to create enmity between different groups of people and demolish the social fabric of the country and unrest in the country at large. Based on the post of the petitioner one Paramhans Acharya of Ayodhya, a seer had announced a reward of Rs.10 crores for beheading the Minister. Hence, it is evident that the petitioner’s post had created widespread protest, unrest and agitation not only in Tamil Nadu but also in Union of India. Totally 9 witnesses were enquired excluding the defacto complainant and statements also recorded from the above 10 witnesses under section 161(3) of Cr.P.C. Then direction was issued to secure all hate speeches regarding the petitioner and the minister. The petitioner is absconding and has not obtained any bail but had filed quash petition. The petitioner had not denied the content but trying to justify the conduct. The investigation is premature and the content of the statements would attract the offence. In Abbas Ansari and



another Vs. State of UP and two others the Allahabad High Court had dismissed a quash petition and the same is applicable to the present case. In State Vs. M.Maridoss and another Criminal Appeal No. 67 of 2023 (Special Leave Petition No.8371 of 2022) the Hon'ble Supreme Court had held that the FIR cannot be quashed at preliminary stage and thwart investigation. In the present case, the FIR was filed on 06.07.2023 and the quash petition was filed on 21.09.2023 within a period of 15 days. The petitioner has many followers and a prominent person who is spreading hate speech on the social media and the country will face unprecedented unrest in future. Hence the respondents prayed to dismiss the petition.

9. Heard Mr.N Anantha Padmanabhan, for M/s. APN Law Associates, the Learned Senior Counsel appearing for the petitioner and Mr. Ajmal Khan, the Learned Additional Advocate General assisted by Mr.A.S. Abdul Kalam Azad, Learned Government Advocate (Crl Side) appearing for the 1st respondent and perused the records.

10. The Learned Senior Counsel appearing for the petitioner submitted that the allegations stated in the FIR would clearly show that it is a reaction to



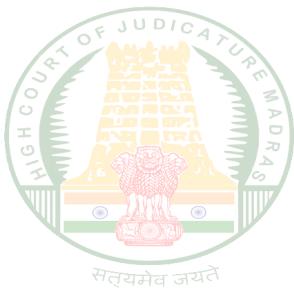
Crl.OP.(MD)No.17575 of 2023

the speech made by the Minister against the Sanathan Dharma and Sanathanis, hence no offence would be attracted. In short, it is only reaction and not action, hence it will not attract the provisions of the IPC.

11. The Learned Additional Advocate General appearing for the 1st respondent submitted that the Minister had stated that the “Mosquitos, Dengue, Corona Vires cannot be resisted or opposed, they have to be abolished / eradicated. Likewise, Sanathana Dharma should not be resisted or opposed but it has to be abolished / eradicated.” But the Minister has not stated or called for genocide of 80% population, which is a twisted post.

12. On perusing the contents of the alleged post, it is seen that the petitioner has reproduced the speech of the Minister i.e. “Mosquitoes, Dengue, Corona Vires cannot be resisted or opposed, they have to be eradicated. Likewise, Sanathana Dharma should not be resisted or opposed but it has to be abolished / eradicated.” and based on the post the petitioner has questioned the minister which is stated hereunder:

a. Whether the minister is of the opinion that it must be eradicated and not merely opposed. In short, he is calling for genocide of 80% population of Bharat who follow Sanathan



Dharma.?

WEB COPY

b. DMK is a prominent member of the opposition and a long-standing ally of the Congress. Is this what was agreed in the Mumbai meet?

13. According to the prosecution and as per the argument of the Learned Additional Advocate General the question (b) is not attracting any offence but question (a) is attracting the offence, since the petitioner has twisted the speech of the minister and is instigating the 80% population who follows Sanathana Dharma against the 20% population who are not following Sanathana Dharma. In order to consider the issue, the alleged speech of the minister ought to be seen. Wherein he has stated that the “Sanathana Dharma should not be resisted or opposed but it has to be abolished / eradicated”. In Tamil it is stated as “it is not Sanathana Ethirppu, but Sanathana Ozhippu”

14. The entire case is on the word “Ozhippu” which is crucial and the said word “Ozhippu”, can be translated as “abolish” (as per the counter filed by the respondent and even as per prosecution the equivalent translation for Ozhippu is abolish). The synonyms for the word “abolish” is

“put an end to, do away with, get rid of, scrap, end, stop, terminate, eradicate,



WEB COPY *eliminate, exterminate, destroy, annihilate, genocide, stamp out, obliterate, wipe out, extinguish, quash, expunge, extirpate, annual, cancel, invalidate, nullify, overturn, discontinue, remove, withdrawn, retract, countermand, excise, drop, jettison, vitiate, abrogate, axe, ditch, junk, scrub, dump, chop, give something the chop, knock, something on the head, deracinate etc.”*

All the words stated supra would indicate that the word “abolish” would indicate “that some existing thing should not be there. If it is applied to the present case, if Sanathana Dharma should not be there, then the people following Sanathana Dharma should not be there. It means suppression of activities that do not conform to the destroyer’s notion. Then the above synonym words stated supra are applicable. If a group of people following Sanathana Dharma should not be there, then the appropriate word is “genocide”. If Sanathana Dharma is a religion then it is “Religicide”. It also means to eradicate the people by following any methods or various methods with diverse attacks on ecocide, factocide, culturicide (cultural genocide). Therefore, the Tamil phrase “Sanathana Ozhippu” would clearly mean genocide or culturicide. In such circumstances, the post of the petitioner questioning the minister’s speech would not amount to hate speech.

15. It is pertinent to state that the based on the above Sanathana Dharma



eradication speech of the minister, writ petitions in WP.Nos.29203, 29204 & WEB COPY 29205 of 2023 were filed to issue quo warranto against the minister. The

Hon'ble Court vide order dated 06.03.2024 has held that the speech of the minister would amount to hate speech and the relevant paragraphs are extracted hereunder:

“158. It is well settled that it is Constitutional morality that binds a Constitutional functionary. Such morality enjoins the individual respondents to be neutral and fair in their dealings with the people. The individual respondents have undoubtedly acted contrary to Constitutional principles and ideals and their statements amount to disinformation and hate against members of a specific community.

...

195. In the present case, my conclusions in the paragraphs supra are unambiguous that the offending statements spew hate against a particular community, the Hindus and constitutes dis/ misinformation.”

In the said order the Court had elaborately discussed by referring to various texts in Tamil and Sanskrit and has come to the conclusion that the same is hate speech. When a hate speech is uttered by the minister, the petitioner opposing to the said hate speech cannot be considered as crime. Further the petitioner has questioned the Minister whether the Minister means genocide of 80% population. As rightly pointed by the Senior Counsel appearing for the



petitioner, the petitioner has not asked any people to start any agitation either against the minister or his party, but has put forth mere facts and questioned the minister. The petitioner post is in a form of question and seeking reply for the minister and the same would not attract the ingredients of any sections.

WEB COPY

16. The Learned Additional Advocate General submitted that by posting the message that "*the minister is calling for genocide of 80% population of Bharat who follow Sanathan Dharma*" is instigating the 80% population against 20% population. If such an argument is accepted, then it would amount to stating that the minister is instigating the 20% population against the 80% population. Hence such an argument is absurd and the same rejected.

17. The Learned Senior Counsel appearing for the petitioner submitted that the Sections 153, 153A, 504 and 505(1)(b) IPC are not attracted. The sections are extracted hereunder:

Section 153. *Wantonly giving provocation with intent to cause riot—if rioting be committed—if not committed.—Whoever malignantly, or wantonly, by doing anything which is illegal, gives provocation to any person intending or knowing it to be likely that such provocation will cause the offence of rioting to be committed, shall, if the offence of rioting be committed in consequence of such provocation, be punished with imprisonment of either description for a term which may extend to*



WEB COPY

one year, or with fine, or with both; and if the offence of rioting be not committed, with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

Section 153A. *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 regional groups or castes or communities, and which disturbs or is likely to disturb the public tranquility, or

(c) organizes any exercise, movement, drill or other similar activity intending that the participants in such activity shall use or be trained to use criminal force or violence or knowing it to be likely that the participants in such activity will use or be trained to use criminal force or violence, or participates in such activity intending to use or be trained to use criminal force or violence or knowing it to be likely that the participants in such activity will use or be trained to use criminal force or violence, against any religious, racial, language or regional



WEB COPY

group or caste or community and such activity for any reason whatsoever causes or is likely to cause fear or alarm or a feeling of insecurity amongst members of such religious, racial, language or regional group or caste or community,] shall be punished with imprisonment which may extend to three years, or with fine, or with both.

(2) *Offence committed in place of worship, etc.* —Whoever commits an offence specified in sub-section (1) in any place of worship or in any assembly engaged in the performance of religious worship or religious ceremonies, shall be punished with imprisonment which may extend to five years and shall also be liable to fine.

Section 504. *Intentional insult with intent to provoke breach of the peace.* — Whoever intentionally insults, and thereby gives 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, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Section 505(1)(b). *Statements conducing to public mischief.* — (1) Whoever makes, publishes or circulates any statement, rumour or report,—

(a) ... or

(b) with intent to cause, or which is likely to cause, fear or alarm to the public, or to any section of the public whereby any person may be



WEB COPY

induced to commit an offence against the State or against the public tranquility; or

18. The Learned Senior Counsel had relied on the judgment rendered in *Bilal Ahmed Kaloo Vs. State of Andhra Pradesh* reported in (1997) 7 SCC 431, wherein the Hon'ble Supreme Court had held that without any reference to any other community or group, any utterance by the person would not amount to crime and would not attract the sections 153, 153A, 504 and 505(1)(b) IPC. The above judgment is followed in several cases. The relevant portion is extracted hereunder:

"This Court has held in Balwant Singh and another vs. State of Punjab (1995 3 SCC 214) that mens rea is a necessary ingredient for the offence under Section 153A. Mens rea is an equally necessary postulate for the offence under Section 505(2) also as could be discerned from the words "with intent to create or promote or which is likely to create or promote" as used in that sub-section."

19. The Hon'ble Supreme Court in *Patricia Mukhim vs State of Meghalaya and others* reported in 2021 15 SCC 35 (2021 0 AIR(SC) 1632) vide judgment dated 25.03.2021 has held as under:

"9. Only where the written or spoken words have the tendency of creating public disorder or disturbance of law and order or affecting public tranquility, the law needs to step in to prevent such an activity.



WEB COPY

The intention to cause disorder or incite people to violence is the sine qua non of the offence under Section 153-A IPC and the prosecution has to prove the existence of mens rea in order to succeed. [Balwant Singh vs. State of Punjab, (1995) 3 SCC 214]

10. The gist of the offence under Section 153-A IPC is the intention to promote feelings of enmity or hatred between different classes of people. The intention has to be judged primarily by the language of the piece of writing and the circumstances in which it was written and published. The matter complained of within the ambit of Section 153-A must be read as a whole. One cannot rely on strongly worded and isolated passages for proving the charge nor indeed can one take a sentence here and a sentence there and connect them by a meticulous process of inferential reasoning. [Manzar Sayeed Khan vs. State of Maharashtra, (2007) 5 SCC 1]

11. In Bilal Ahmed Kaloo vs. State of A.P. (1997) 7 SCC 431, this Court analysed the ingredients of Sections 153-A and 505 (2) IPC. It was held that 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 feeling of enmity, hatred or ill will. Under Section 505 (2) promotion of such feeling should have been done by making a publication or circulating any statement or report containing rumour or alarming news. Mens rea was held to be a necessary ingredient for the offence under Section 153-A and Section 505 (2). The common factor of both the sections being promotion of feelings of enmity, hatred or ill will between different religious or racial or linguistics or religious groups or castes or communities, it is necessary that at least two such groups or



WEB COPY

communities should be involved. It was further held in *Bilal Ahmed Kaloo (supra)* that merely inciting the feelings of one community or group without any reference to any other community inciting group cannot attract any of the two sections. The Court went on to highlight the distinction between the two offences, holding that publication of words or representation is *sine qua non* under Section 505. It is also relevant to refer to the judgment of this Court in *Ramesh vs. Union of India, (1988) 1 SCC 668*, in which it was held that words used in the alleged criminal speech should be judged from the standards of reasonable, strong-minded, firm and courageous men, and not those of weak and vacillating minds, nor of those who scent danger in every hostile point of view. The standard of an ordinary reasonable man or as they say in English law "*the man on the top of a Clapham omnibus*" should be applied."

20. In the present case, the petitioner has not referred to any two communities and absolutely there is no mens rea. Further as held supra the petitioner had questioned the hate speech of the Minister, which is only reaction to the hate speech of the Minister. Hence, if the present proceedings continued the petitioner would suffer irreparable harm and injury and this Court is of the considered opinion that the petitioner is entitled to quash the FIR.

21. The next contention of the petitioner is that the petitioner has interpreted the hidden meaning of the contents of the minister's speech and



Crl.OP.(MD)No.17575 of 2023

posted the same. The party which the Minister belongs have repeatedly stated several things against the Sanathan Dharma, hence the overall circumstances leading to the present case ought to be taken for consideration. The Hon'ble Supreme Court in *Mahmood Ali & others v. State of U.P. & others* in Criminal Appeal No.2341 of 2023 arising out of SLP (Criminal) No.12459 of 2022 reported in 2023 INSC 684 (Supreme Court Neutral Citation) has held that courts must take overall circumstances and ought to look beyond the averments in the FIR when proceedings are manifestly vexatious. The relevant portion is extracted hereunder:

“12. At this stage, we would like to observe something important. Whenever an accused comes before the Court invoking either the inherent powers under Section 482 of the Code of Criminal Procedure (CrPC) or extraordinary jurisdiction under Article 226 of the Constitution to get the FIR or the criminal proceedings quashed essentially on the ground that such proceedings are manifestly frivolous or vexatious or instituted with the ulterior motive for wreaking vengeance, then in such circumstances the Court owes a duty to look into the FIR with care and a little more closely. We say so because once the complainant decides to proceed against the accused with an ulterior motive for wreaking personal vengeance, etc., then he would ensure that the FIR/complaint is very well drafted with all the necessary pleadings. The complainant would ensure that the averments made in the FIR/complaint are such that they disclose the necessary ingredients to constitute the alleged offence. Therefore, it will not be just enough for



WEB COPY

the Court to look into the averments made in the FIR/complaint alone for the purpose of ascertaining whether the necessary ingredients to constitute the alleged offence are disclosed or not. In frivolous or vexatious proceedings, the Court owes a duty to look into many other attending circumstances emerging from the record of the case over and above the averments and, if need be, with due care and circumspection try to read in between the lines. The Court while exercising its jurisdiction under Section 482 of the CrPC or Article 226 of the Constitution need not restrict itself only to the stage of a case but is empowered to take into account the overall circumstances leading to the initiation/registration of the case as well as the materials collected in the course of investigation. Take for instance the case on hand. Multiple FIRs have been registered over a period of time. It is in the background of such circumstances the registration of multiple FIRs assumes importance, thereby attracting the issue of wreaking vengeance out of private or personal grudge as alleged."

22. As held in the above case the overall circumstances ought to be taken into account. While considering the overall circumstances, there are records to show that there are specific incidents of attack on Hinduism and caste Hindus, like cutting the tuft hair, Janeu, adorning Janeu to pigs etc. Further he had garlanded the Hindu God "Lord Ram" with slippers and Hindu Idol Lord Ganesha with slippers and had broken several such Ganesha idols. Several complaints were preferred but most of the complaints were not acted upon



except one or two complaints. One such complaint was dismissed but went up

WEB COPY to Supreme Court. The complainant is one S. Veerabadran Chettiar and the case is reported as S. Veerabadran Chettiar vs E.V. Ramasami Naicker and others reported in 1958 AIR 1032 (1959 SCR 1211) wherein the Five Judges Bench had held that the narrow interpretation given by the Judicial Magistrate is erroneous and further held if the action complained of is true, then it is foolish and in future if it is done, then action may be initiated as per the interpretation given in the said order. The relevant portion is extracted hereunder:

“As a result of these considerations, it must be held that the courts below have erred in their interpretation of the crucial words of S.295 of the Indian Penal Code. But the question still remains whether, even after expressing our strong disagreement with the interpretation of the section by the courts below, this Court should direct a further inquiry into the complaint, which has stood dismissed for the last about 5 years. The action complained of against the accused persons, if true, was foolish, to put it mildly, but as the case has become stale, we do not direct further inquiry into this complaint. If there is a recurrence of such a foolish behaviour on the part of any section of the community, we have no doubt that those charged with the duty of maintaining law and order, will apply the law in the sense in which we have interpreted the law.”

Therefore, it is evident that there is clear attack on Hinduism by the Dravida



Kazhagam and subsequently along with by Dravida Munnetra Kazhagam, for the past 100 years, to which the Minister belongs. While considering the overall circumstances, it is seen the petitioner had questioned the hidden meaning of the minister's speech.

23. Hence by overall consideration the speech of the minister would clearly indicate it is totally against 80% Hindus, which come within the mischief of hate speech. The minister hails from the above legacy. Therefore, based on the above background the speech of the minister is hate speech only. The petitioner who is a sanathani is a victim of such hate speech and has only defended the Sanathana Dharma from the hate speech. From the above discussion it is evident that the reply post of the petitioner would not attract any of the provisions of the IPC, more so sections 153, 153A and 505(1)(b) IPC. Rather the minister speech would attract the above provisions.

24. This Court with pain records the prevailing situation that the person who initiates the hate speech are let scot-free, but the persons who reacted for the hate speech are facing the wrath of the law. The Courts are also questioning the persons who reacted but are not putting the law on motion against the



Crl.OP.(MD)No.17575 of 2023

person initiated the hate speech. In the present case, no case has been filed against the minister for his hate speech in State, but some cases are filed in the other States.

WEB COPY

25. Interestingly, it is stated in the counter that the respondents have referred to certain personalities and have stated that those personalities have also stated against Sanathan Dharma. The first person that was referred in Mahatma Gandhi. In his Autobiography Mahatma Gandhi has declared himself a Sanathani Hindu and has claimed that he had read Bhagavat Gita, Ramayan, Mahabharat, Manusmriti and stated his core virtue is ahimsa. Hence Mahatma Gandhi is not against Sanathana Dharma. The next person referred is Kamarajar, who was devout Hindu who often sang bhajans of Lord Murugan and his connection with the religion is personal and individual. Hence Kamarajar is not against Sanathana Dharma. The next person referred is Buddha, who was born in Hindu family, but he criticized some of the Vedic practices and encouraged soul liberation path without idol worship, which is highest form of spiritual path. Buddha propagated Vipassana Meditation a form of meditation comes under Saivism. Hence Buddha is not against Sanathana Dharma. The next person referred is Ramanujar who is the proponent of Vishishtadvaita philosophy and uttered the Hindu mantra “Om Namo



“Narayanaya” openly so that all people are benefited by it, thereby welcomed

WEB COPY everyone to attain liberation, hence he is cornerstone of Sanathana Dharma.

Hence Ramanujar is not against Sanathana Dharma. The next person referred is Vallalar, who hailed from Saivite philosophy and blended with more emphasis on compassion for all living beings including animals, opposed slaughtering of animal, emphasized liberation of soul through “arulperumjothi” (burning lamp).

Hence Vallalar is not against Sanathana Dharma. The above persons practiced some form of Sanathana Dharma and recommended the same. They stated to leave or shed unwanted things and practice Sanathan Dharma to attain liberation. The respondents are under the impression that since they recommended to leave or shed the unwanted things, they are against Sanathana Dharma, which is clear dis/misinformation. Except E.V. Ramasamy @ Periyar, none of them had uttered against Sanathana Dharma. Hence the counter has stated incorrect information. As held in the order dated 06.03.2024 in WP.Nos. 29203, 29204 & 29205 of 2023 which was filed for issuance of writ of quo warranto, the Minister and others involved in the said conference and the defacto complainant are dis/misinformed.

26. Also, interestingly the counter filed by the Inspector of Police has questioned as under:



WEB COPY

“The Governor and BJP can speak about the Sanathan then why cannot the Minister speak about the Sanathan?”

The above would clearly indicate the counter has political colour but unfortunately it is filed by the investigating officer. The officials ought to be apolitical and taking sides with political party is reprimandable.

27. For the reasons and the circumstances stated supra, this Court is of the considered opinion that the continuation of the present case against the petitioner would amount of abuse of process of law, hence, this Court is inclined to quash the impugned FIR and accordingly, the impugned FIR is quashed.

28. With the above said observations, the criminal original petition is allowed. Consequently, connected miscellaneous petition is closed.

20.01.2026

TMG



Crl.OP.(MD)No.17575 of 2023

WEB COPY

1. The Inspector of Police,
CCB Police Station,
Tiruchirappali City

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



Crl.OP.(MD)No.17575 of 2023

WEB COPY

S.SRIMATHY,J

TMG

ORDER
IN
CRL OP(MD) No.17575 of 2023

Date: 20.01.2026

28/28