IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.20889 of 2023
and Crl.MP.No.14319 of 2023

Mr.Badhrisheshathiri (A-53 Y)
S/o.Mr.Seshadri Thiruvenkatachariyar .. Petitioner /Sole Accused

.Vs.

1.State rep.by
Rep.by the Inspector of Police
Kunnam, Perambalur, SH-27
Perambalur Ariyalur Road
Perambalur District-621708. .. 1st Respondent/Complainant

(Crime No.326 of 2023)

2.Kaviyarasu
Advocate
East Street
Kadoor PO, Kunnam TK
Perambalur District-627-005.
..2nd Respondent/de facto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to the FIR No.326 of 2023 dated 27.7.2023 on the file of Kunnam Police Station, Perambalur District and quash the same.

For Petitioner : Mr.M.R.Venkatesh
for Mr.Ramaswamy Meyyappan

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor for R1

ORDER

This criminal original petition has been filed to quash the FIR in Crime No.326 of 2023, pending investigation before the 1st respondent.

2.The case of the prosecution is that the petitioner participated in an interview conducted by a YouTube Channel and in that interview, the petitioner is said to have made certain adverse comments against the Hon'ble Chief Justice of India. The interview centered around the agitation that is going on in Manipur and the *suo motu* cognizance that was taken by the Hon'ble Chief Justice of India in this regard. The petitioner is said to have made certain comments demeanig the status of the Hon'ble Chief Justice of India. This interview is said to have been viewed by the 2nd respondent, who is an advocate and based on his complaint, the 1st respondent has registered an FIR in Crime No.326 of 2023 on 27.7.2023 for offence u/s.153, 153A and 505(1)(b) IPC.

3.When the matter came up for hearing on 11.9.2023, this Court, after considering the facts and circumstances of the case, directed the petitioner to file an affidavit before this Court regretting for the statement that was made by the petitioner in the interview. Accordingly, the matter was posted for hearing today.

4.When the matter was taken up for hearing today, the affidavit of the petitioner was placed before this Court and the relevant portions in the affidavit are extracted hereunder:

> "3.I state that the statements made by me in the speech were in response to an impromptu question raised during a discussion/interview and the response on my part was never made with the intention to mock or insult or insinuate or defame or damage the Indian Judiciary or the Hon'ble Chief Justice of India. I submit that my statements in the speech were either read out of context or misinterpreted and twisted to draw an adverse interpretation by a few. I submit that my intention was only to draw attention to the separation of powers as stated in the Constitution of India and nothing more, namely, the division of powers between the executive, legislature and the judiciary, and how one arm cannot step into the domain of the other. I made those statements keeping in mind that each arm had a role to play and the other may not have the necessary tools to play such a role in the domain of the other arm, as enshrined under the Constitution of India.
>
> 4. I sincerely and humbly submit that my intention is never to hurt the sentiments of any individual or bring about disrepute or insult or mock anyone let alone the Honorable Chief Justice of India. I sincerely apologize for my statements, if they have been made in a manner that may have been construed as mocking or insulting the Honorable Chief Justice of India. I deeply respect the judicial set up of India and believe that the last recourse and the best opportunity of every person and being to seek justice and remedy is before the Honorable Courts of this country.

5.I sincerely apologize that I never made those statements with the intent to mock or insult or bring disrespect to the Hon'ble Chief Justice of India or the Indian Judiciary."

5.The learned Additional Public Prosecutor made strong objections to the statements that were made by the petitioner in the interview and submitted that it clearly amounted to hate speech and it also brought down the status of the Hon'ble Chief Justice of India.

6.In the considered view of this Court, the judiciary has very broad shoulders to take any criticism unless the criticism results in directly interfering with the administration of justice. The petitioner might have gone overboard while making certain comments about the Hon'ble Chief Justice of India. However, the comments made by the petitioner must be looked at, from the context in which such comments were made. According to the petitioner, the judiciary must not poke its nose on the functions that are exclusively within the domain of the executive. While expressing this view, the petitioner used certain expressions which were seemingly a verbal attack made on the Hon'ble Chief Justice of India. In the light of the affidavit filed by the petitioner, expressing regret for the statement made by him, this Court is of the considered view that the curtains must be drawn. No useful purpose will be served in continuing with the investigation in this case. It is made clear that the petitioner will be more careful, while expressing himself in a public platform and he shall not repeat such instances in future.

7.In the result, the investigation in Crime No.326 of 2023, pending investigation before the 1st respondent is hereby quashed and this criminal original petition stands allowed. Consequently, connected miscellaneous petition is closed.

19.09.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
KP

To

1.The Inspector of Police
Kunnam, Perambalur, SH-27
Perambalur Ariyalur Road
Perambalur District-621708.

2.Public Prosecutor
High Court of Madras.

N. ANAND VENKATESH,. J.

KP

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