

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-06-2026

CORAM

WEB CO THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

**CRL OP No. 16226 of 2026
and CrI.M.P.No.10684 of 2026**

1. Keera @ Moorthi
S/o Vadivel,
No.37, Thilagavvathi Apartment,
Vanniyar Street,
K.K.Nagar West,
Chennai.
2. Tamil bala
S/o Muthiyan,
No.12, Ponniamman Kovil Street,
Saligramam,
Chennai.

..Petitioner(s)

Vs

1. The State Rep By, The Inspector of Police
R5 Virugambakkam Police Station,
Chennai.
2. K.Jeyaraj
Inspector of Police,
R5 Virugambakkam Police Station,
Chennai.

..Respondent(s)

PRAYER: Criminal Original Petition filed under Section 528 of BNSS, to call for the records in PRC.No.72 of 2019, on the file of the 23rd Metropolitan Magistrate Court, Saidapet, Chennai and quash the same.

For Petitioner(s):

Mr.P.Pugalenth

For Respondent(s):

Mr.M.Mohamed Riyaz

Government Advocate (Criminal Side) For R1

**ORDER**

This Criminal Original Petition is filed to call for the records in PRC.No.72 of 2019, on the file of the 23rd Metropolitan Magistrate Court, Saidapet, Chennai and quash the same.

2. The petitioners are the accused Nos.2 and 3 in PRC No.72 of 2019. It is seen that the prime accused – Elangovan has already died. The crux of the allegations that is contained in the final report is that, through one publishing house by name ‘Kalagam Pathippagam’, run by the petitioners herein, a book authored and compiled by the 1st accused – Elangovan was released on 12.10.2014, in a public function conducted at RKV Preview Theatre, Chennai. The book was titled as ‘தமிழ் தேசிய தலைவர் தமிழரசனின் வாழ்வும் அறமும்’. In the said book, it was recorded that, in the year 1967 one Tamizharasan proclaimed in Coimbatore that the State of Tamilnadu should be a separate nation and in order to divide and secede guerilla warfare should be adopted. Since the book contains such material, the charge sheet is filed and the same is pending as PRC No.72 of 2019.



3. *Mr.P.Pugalenth*, the learned counsel appearing on behalf of the petitioner would submit that with reference to an identical book ‘தோழர் லெனினும்

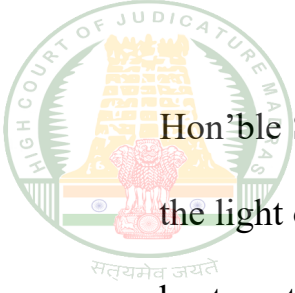
தமிழ்தேச விடுதலைக்களமும்’, the Division Bench of this Court considered the entire issue in the light of the Judgment of the Hon’ble Supreme Court of India in *S.G.Vombatkere Vs. Union of India*¹ and held that the rigors of Section 124 (A) of IPC was not in tune with the current social milieu and after considering the same, the mere statement would not entitle the respondent – Police to file a charge under Section 124 (A) of IPC and quashed the First Information Report. The learned counsel would submit that if the same yardstick is applied to the present case, the present final report is also liable to be quashed.

4. *Per contra*, the learned Government Advocate appearing for the respondent – Police would submit that if the book contains the statement that the Tamilnadu has to be seceded and proclaimed as a separate State and that they will even conduct guerilla warfare in respect of the same, it will certainly amount to sedition and thus the charge sheet is laid.

5. I have considered the rival submissions made on either side and perused the material records of the case.

6. The gravamen of the offence of sedition is, by way of written or visible representation bring into hatred, contempt, or exciting or attempting to excite disaffection towards the government established by law. It is in this context, the

¹ (2020) 7 SCC 433



Hon'ble Supreme Court of India had held that the acts have to be considered in the light of the current social milieu and the times in which we are living. It will

be true that during the days of Tamizharasan in 1967, when he formed the Tamil liberation front, etc., such a speech or publication would have incited hatred or contempt to the Government of India. But in today's scenario, India as a nation, is unified by heart and soul. If any person speaks about dividing Tamilnadu into a separate nation, the person will certainly be referred to as having mental health issues and it will not excite any hatred at all among the common public. At best, it will cause annoyance and therefore, in the present social milieu, the mere publication of that sentence cannot be considered as inciting hatred against the nation or the Government of India. Further, it can be seen that in the instant book it is not even mentioned as a present day affair but only records that during the time of Thamizharasan, he announced the same that Tamilnadu should be a separate nation and that he will organise a guerilla warfare in respect of the same. Mere recording of what had happened will not even amount to an attempt to incite hatred.

7. For the above reasons, I am of the view that the petitioners are entitled to succeed and accordingly, this Criminal Original Petition stands allowed. The final report and the further proceedings in PRC.No.72 of 2019, on the file of the 23rd Metropolitan Magistrate Court, Saidapet, Chennai, shall stand quashed. Consequently, the connected miscellaneous petition is closed.



Neutral Citation: Yes

JER

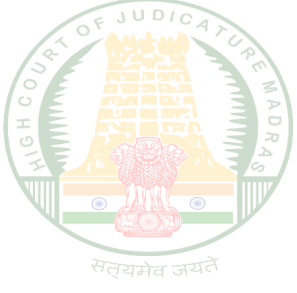
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29-06-2026

To

1. The 23rd Metropolitan Magistrate, Saidapet, Chennai.
2. The Inspector of Police
R5 Virugambakkam Police Station,
Chennai.
3. The Public Prosecutor
High Court of Madras.



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D.BHARATHA CHAKRAVARTHY, J.

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