

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE G.GIRISH

MONDAY, THE 9TH DAY OF MARCH 2026 / 18TH PHALGUNA, 1947

CRL.MC NO. 5579 OF 2020

CRIME NO.809/2020 OF KADINAMKULAM POLICE STATION,

THIRUVANANTHAPURAM

CC NO.4068 OF 2020 OF JUDICIAL MAGISTRATE OF FIRST
CLASS -I,ATTINGAL

PETITIONER/ACCUSED:

BIJI GARNET
AGED 45 YEARS
S/O. GARNET, PUTHENTHOPPU, KADINAMKULAM,
THIRUVANANTHAPURAM-695303.

BY ADV SRI.M.R.SARIN

RESPONDENT/DE FACTO COMPLAINANT:

STATE OF KERALA
REP. BY THE S.I. OF POLICE, KADINAMKULAM POLICE
STATION, THIRUVANANTHAPURAM THROUGH PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682031.

SMT.ANIMA M, PUBLIC PROSECUTOR

THIS CRIMINAL MISC. CASE HAVING COME UP FOR FINAL
HEARING ON 09.03.2026, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:



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ORDER

The petitioner is the accused in CC No.4068/2020 on the files of Judicial First Class Magistrate Court-I, Attingal. In the aforesaid case, he faces criminal prosecution for the commission of offences under Section 153 IPC, Section 120(o) of the Kerala Police Act, 2011, and Section 6 of the Kerala Epidemic Diseases Ordinance, 2020. The allegation against him is that he made provocative statements in Facebook, which were capable of prompting people to commit rioting by violating the restrictions imposed to check the spread of Covid-19 pandemic.

2. In the present petition, the petitioner would contend that he is totally innocent, and that he has been falsely implicated in this case. It is further stated that none of the offences alleged against the petitioner are attracted in the facts and circumstances of the case.

3. Heard the learned counsel for the petitioner and the learned Public Prosecutor representing the State of Kerala.

4. On going through the posts which the petitioner has made in Facebook, it is seen that the contents of the aforesaid posts are likely to compel the people to violate the restrictions imposed by the Government to



check the spread of Covid-19 pandemic.

5. The learned counsel for the petitioner would contend that the contents of the above posts are not intended to cause rioting, and hence Section 153 is not attracted. I am not inclined to accept the aforesaid argument. At a time when the country was reeling with the disastrous consequences of Covid 19 pandemic, the authorities concerned, including State Governments, have imposed numerous restrictions, by placing areas as containment zones, and also preventing the movement of the public, with the good intention to check the spread of the epidemic. The Facebook post of the petitioner is intended to create a mentality in the minds of the persons reading those Facebook posts to violate the aforesaid restrictions. Such conduct is not expected to be made by right thinking citizens, who are bound to abide by the directions of the authorities concerned in the interest of the health and safety of public at large. Therefore, there is absolutely no justification in saying that the posts made by the petitioner in social media cannot be termed as one intended to provoke rioting. So also, it appears that the aforesaid posts made by the petitioner is in violation of Section 6 of the Kerala Epidemic Diseases Ordinance. In such a case, it is not possible for this Court to exercise its inherent powers under Section 482



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Cr.P.C, to terminate the prosecution proceedings at the threshold. The petitioner has to necessarily face the trial before the learned Magistrate. Therefore, the prayer of the petitioner to quash the proceedings, cannot be entertained.

The petition is accordingly dismissed.

Sd/-

**G.GIRISH
JUDGE**

IAP



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APPENDIX OF CRL.MC NO. 5579 OF 2020

PETITIONER'S ANNEXURES:

ANNEXURE A1	THE TRUE COPY OF THE F.I.R. NO.809/2020 OF KADINAMKULAM POLICE STATION DATED 13.10.2020.
ANNEXURE A2	THE TRUE COPY OF FINAL REPORT IN CRIME NO.809/2020 OF KADINAMKULAM POLICE STATION.
ANNEXURE A3	THE TRUE COPY OF THE POST PUBLISHED BY THE PETITIONER IN HIS FACEBOOK PAGE.
ANNEXURE A4	THE TRUE COPY OF THE KERALA EPIDEMIC DISEASE ORDINANCE 2020 (RELEVANT PORTION) .