

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS**

**WEDNESDAY, THE 27TH DAY OF MAY 2015/6TH JYAISHTA, 1937**

**Crl.MC.No. 2587 of 2015**  
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**CRIME NO. 307/2015 OF NEMOM POLICE STATION, THIRUVANANTHAPURAM.**  
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**PETITIONER/ACCUSED:**  
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**NADIYA NAZAR, D/O. NAZARUDDIN,  
AGED 21, 3/334, NAZAR MANZIL,  
VILANGARA, THATTATHUMALA P.O., KILIMANOOR,  
THIRUVANANTHAPURAM DISTRICT.**

**BY ADVS. SRI.M.SREEKUMAR  
A.ABDUL KHARIM**

**RESPONDENT(S)/STATE AND COMPLAINANT:**  
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- 1. STATE OF KERALA,  
REPRESENTED BY THE PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. ASOK KUMAR,  
S/O. SUKUMARA PILLAI, PULIYARATHALA VEEDU,  
SARVODAYAM ROAD, KALLIYOOR, NEMOM,  
THIRUVANANTHAPURAM - 695 020.**

**R1 BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE  
R2 BY ADV. SRI.SUMAN CHAKRAVARTHY**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION  
ON 15-05-2015, THE COURT ON 27-05-2015 PASSED THE  
FOLLOWING:**

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**APPENDIX**

**PETITIONER'S ANNEXURES:**  
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- ANNEXURE I:** CERTIFIED COPY OF THE FIR DATED 24.2.2015 IN  
CRIME NO.307/15 OF NEMOM POLICE STATION.
- ANNEXURE 1(A):** CERTIFIED COPY OF THE LETTER DATED 20.2.2015 ISSUED  
FROM ASSISTANT COMMISSIONER OF POLICE, CYBER CELL,  
THIRUVANANTHAPURAM CITY TO THE DEPUTY  
COMMISSIONER OF POLICE, THIRUVANANTHAPURAM CITY.
- ANNEXURE 1(B):** CERTIFIED COPY OF THE COMPLAINT FILED BY THE  
2ND RESPONDENT DATED 14.2.2015 BEFORE THE CITY POLICE  
COMMISSIONER, THIRUVANANTHAPURAM.
- ANNEXURE II:** TRUE COPY OF THE AGREEMENT ENTERED INTO BETWEEN  
PETITIONER AND 2ND RESPONDENT DATED 17.4.2015.

**RESPONDENT'S ANNEXURES:** - NIL  
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/TRUE COPY/

P.S. TO JUDGE

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ALEXANDER THOMAS, J.

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Crl.M.C.No. 2587 of 2015

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Dated this the 27<sup>th</sup> day of May, 2015

O R D E R

The petitioner herein is the sole accused in Anx.1 FIR in Crime No.307/2015 of Nemom Police Station, registered for offences under Sec.500 of the IPC and Sec.66A of the Information Technology Act, 2000. The prosecution case is that the petitioner with the intention of causing defamation and mental agony to the daughter of the 2<sup>nd</sup> respondent (defacto complainant) and her family created a false profile in a porn site and posted the photo and phone number of the daughter of the 2<sup>nd</sup> respondent and thereby caused mental agony and defamation to the daughter of the 2<sup>nd</sup> respondent and her family. The petitioner, who is aged 21, and the 2<sup>nd</sup> respondent's daughter are studying for MBBS course at Sree Gokulam Medical College at Venjaramoodu. The 2<sup>nd</sup> respondent defacto complainant has now sworn to an affidavit stating that the entire disputes between the parties have been settled and that they have no objection for quashment of the impugned criminal proceedings

pending against the petitioner.

2. Having heard all the respective parties and on perusal of the materials on record, it is seen that the disputes arose between two girl students of a medical college, who are rather of tender youthful age and the defacto complainant has also settled the matter with the accused. Moreover, the provisions contained in Sec.66A of the Information Technology, 2000 have already been struck down by the Apex Court in the case Shreya Singhal v. Union of India reported in 2015 (2) KLT 1 (SC).

3. In this view of the matter, on perusal of the affidavit, this Court is of the considered opinion that the prayer for quashment of the impugned criminal proceedings could be allowed. Accordingly, it is ordered in the interest of justice that the impugned Anx.I Crime No.307/2015 of Nemom Police Station and all further proceedings arising therefrom stand quashed.

The Crl.M.C. is disposed of as above.

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///True copy///

Sd/-  
ALEXANDER THOMAS, JUDGE

P.S. to Judge

