

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.09.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL.OP.No.25467 of 2012

and

MP.Nos.1,2 of 2012

K.Ramesh ... Petitioner/Accused No.3

Vs

1.The Inspector of Police,
Thiruppur North Police Station,
Thiruppur District. ... 1st Respondent/Complainant

2.Karthiga Priyadarshini ... 2nd Respondent/Defacto
Complainant

Criminal Original Petition filed under Section 482 of Cr.P.C.,
praying to call for the records in connection with Cr.No.1279 of
2012 on the file of the learned Judicial Magistrate-I, Tiruppur and
quash the same.

For Petitioner : Mr.S.Sathyanarayanan

For Respondents : Mr.C.Emalias,
Addl. Public Prosecutor [for R1]

: Mr.J.Kalidas [for R2]

O R D E R

This petition has been filed to quash the proceedings in
Crime No.1279 of 2012 on the file of the learned Judicial
Magistrate-I, Tiruppur.

2. Heard the learned counsel for the petitioner; learned
Additional Public Prosecutor for the 1st respondent; learned counsel
for the 2nd respondent/de facto complainant and perused the
materials placed on record.

3. It is the case of the de facto complainant that Arun [A1] had posted defamatory materials concerning the de facto complainant in the website and when he was asked to remove the same, he and his father Ramasamy [A2] had intimidated the de facto complainant.

4. It is further stated in the FIR that on 17.05.2012, the de facto complainant received a call from the mobile No.9843850123 to the mobile number of her husband 8760465999 and the caller threatened the de facto complainant's husband saying that he should not proceed to take action against Arun [A1] and Ramasamy [A2] and if he continues to take action against them for posting the defamatory materials in the website, one Ramesh [A3]/petitioner herein will take appropriate action against them.

5. Based on the complaint, the respondent police registered a case in Crime No.1279 of 2012 on 25.05.2012 under Section 43, 65, 66A, 67 of Information Technology Act and Section 500, 506[i], 507, 590 IPC against Arun [A1], Ramasamy [A2] and Ramesh [A3]. Challenging the FIR, Ramesh [A3] is before this Court.

6. Learned counsel for Ramesh [A3] submitted that Ramesh has given his daughter in marriage to Arun[A1] on 23.05.2012 and except that he has nothing to do with the case.

7. Learned counsel for the de facto complainant very strongly contended that the de facto complainant's husband has received a phone call and those aspects have to be investigated.

8. Be that as it may, on reading of the complaint, it is obvious that the caller who called the de facto complainant's husband on 17.05.2012 is said to have dropped the name of Ramesh [A3] in the conversation. Apart from that, there is no other allegations against Ramesh [A3].

9. In the considered opinion of this Court, the FIR against Ramesh [A3] is clearly an abuse of process of law and hence, this petition is allowed and the FIR as against Ramesh [A3] is quashed. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

gya

To

1.The Judicial Magistrate-I,
Tiruppur.

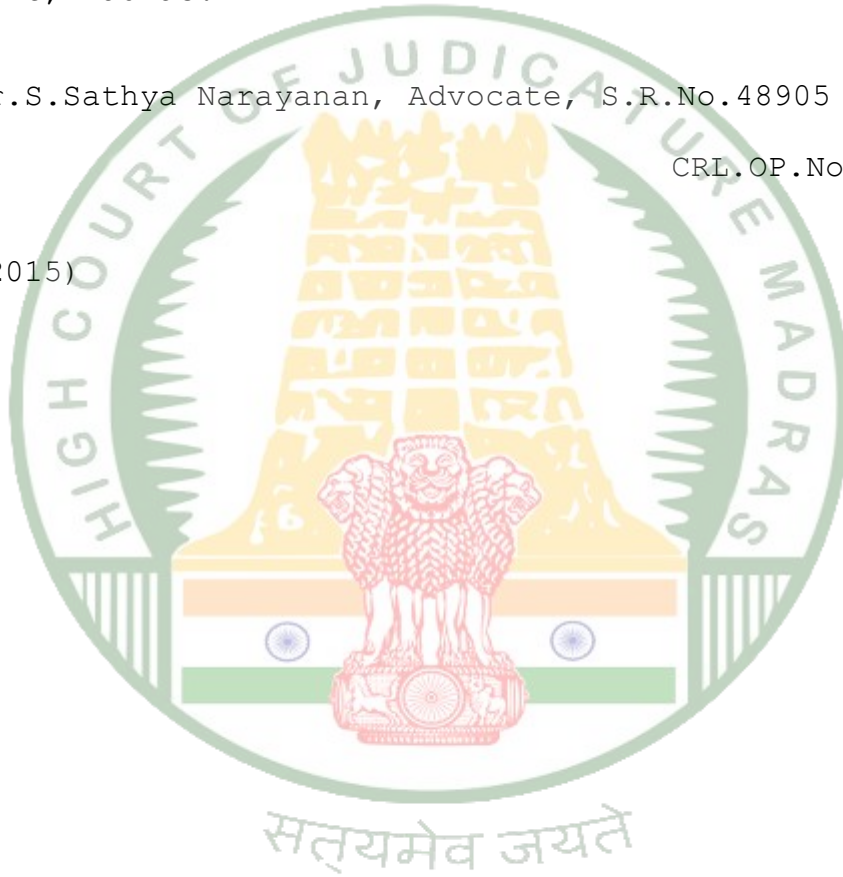
2.The Inspector of Police,
Thiruppur North Police Station,
Thiruppur District.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.S.Sathya Narayanan, Advocate, S.R.No.48905

CRL.OP.No.25467 of 2012

KM(CO)
CA(29/09/2015)



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