

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 26.07.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CrI.O.P.No.18611 of 2018
and CrI.M.P.No.9789 of 2018

M. Senthil Kumar

.. Petitioner

Vs

1. State Represented by
Inspector of Police,
Cyber Crime Cell,
Central Crime Branch,
Vepery, Chennai-600007.

2. Mr.V.Vijaykumar

..Respondents

Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records in Crime No. 256 of 2014 on file of the Inspector of Police, Cyber-Crime Cell, CCB, Vepery, Chennai-7 and quash the FIR.

For Petitioner : Mr.S.Kingston Jerold
For R1 : Mr.C.Iyyapparaj
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to call for the records in Crime No.256 of 2014 on the file of the Inspector of Police, Cyber-Crime Cell, CCB, Vepery, Chennai-7 and quash the same.

2. On the complaint lodged by the Embassy of the Kingdom of Netherlands in Delhi, to the Director General of Police, Chennai, a case in CCB Cr.No.256 of 2014 has been registered on 28.05.2014 under sections 66(A), 66(D) of the Information Technology Act, 2008 and Sections 420, 120-B IPC, for quashing which, the petitioner is before this Court.

3. Heard Mr.S.Kingston Jerold, learned counsel for the petitioner and Mr.C.Iyyapparaj, learned Additional Public Prosecutor for the first respondent-State.

4. Mr.Kingston Jerold submitted that the petitioner was not at all involved in the alleged offence and that he has been falsely implicated by the police. He further contended that the petitioner had permitted his cousin to stay in his residence and that his cousin had misused the premises by giving the petitioner's address for obtaining a telephone connection.

5. Per contra, learned Additional Public Prosecutor refuted the contentions and submitted that the police have so far arrested two persons including the petitioner herein and investigation is almost completed.

6. On a reading of the FIR, it is seen that the complainant has alleged that a website in the name of "Oikas Foundation" has been created and people have been offered jobs through the said Foundation. After seeing the job offers, people started approaching the Embassy of the Kingdom of Netherlands and on enquiries, it came to light that a fake website has been floated. Thus, when there are prima facie materials for the police to proceed with the investigation, the same cannot be quashed at the threshold, in the light of the law laid down by the Supreme Court in State of Haryana v. Bhajan Lal [AIR 1992 SC 604]. However, the respondent police is directed to complete the investigation in Cr.No.256 of 2014 within a period of six months from the date of receipt of a copy of this order, provided there is no other legal impediment.

With the above direction, this petition is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-VII)

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सत्यमेव जयते
Sub Assistant Registrar

gms

To

1.The Inspector of Police,
Cyber Crime Bell,
Central Crime Branch,
Vepery, Chennai-600007.

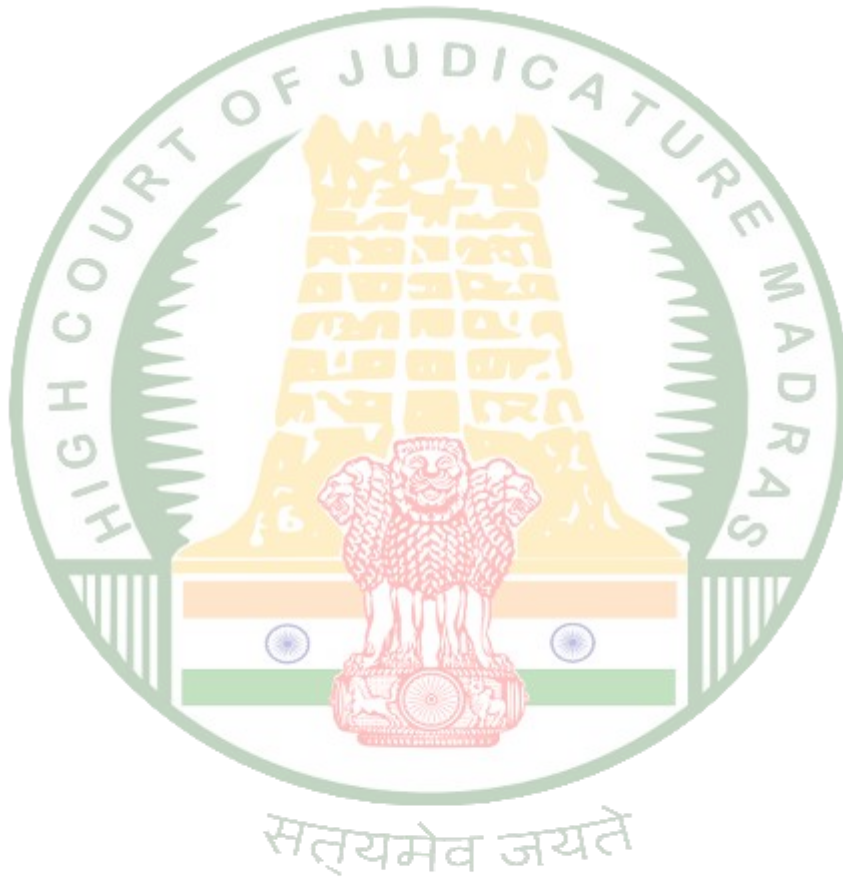
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2.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.S.KINGSTON JEROLD, Advocate, S.R.No. 50305

CrI.O.P.No.18611 of 2018

SV(CO)
TR(10/08/2018)



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