



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.03.2018

CORAM

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THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

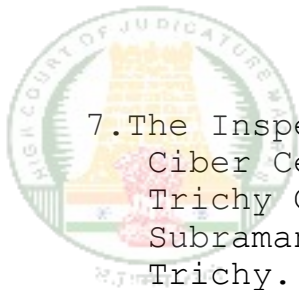
W.P.(MD) No.5972 of 2018
and
WMP(MD).No.5842 of 2018

Parose

... Petitioner

-Vs-

- 1.Union of India represented by,
The Principal Secretary,
Ministry of Electronics and Information Technology,
Government of India,
Electronics Niketan
6, CGO Complex, Lodhi Road,
New Delhi, Delhi 110003.
- 2.The State of Tamil Nadu represented by,
The Principal Secretary,
Information Technology Department,
State of Tamilnadu,
Fort St. George,
Chennai-600009.
- 3.Director General of Police,
Office of the Director General of Police,
Post Box No.601, Dr.Radhakrishnan Salai,
Mylapore,
Chennai-600 004.
- 4.The Commissioner of Police,
Office of the Commissioner of Police,
Subramaniyapuram,
Trichy City,
Trichy.
- 5.The Superintendent of Police,
Office of the Superintendent of Police,
Trichy.
- 6.The Inspector of Police,
All Women Police Station,
Thiruvarambur,
Trichy.



7.The Inspector of Police,
Ciber Cell,
Trichy City Police Commissioner Office Campus,
Subramaniyapuram,
Trichy.

8.Kumar @ Kumaresan

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to direct the third respondent to withdraw the investigation of the case in Cr.No.16 of 2017 on the file of respondent No.6 and entrust the same to the respondent No.7 for investigation after including the penal provisions under Section 66(A) of the Information Technology Act, 2000, Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 1998, and Section 376 of the Indian Penal Code and file charge sheet within the time stipulated by the Court.

For Petitioner	: Mr.R.Alagumani
For Respondent	: Mr.P.Paulpandi (for R1)
	Mr.N.Shanmuga Selvam (R2 to R7)
	Additional Government Pleader

O R D E R

This writ petition has been filed to direct the third respondent to withdraw the case in Cr.No.16 of 2017 from the file of the sixth respondent and entrust the same to the seventh respondent for investigation after including the Penal Provisions under Section 66(A) of the Information Technology Act, 2000; Section 4 of the Tamilnadu Prohibition of Harassment of Women Act, 1998 and Section 376 of IPC and file a charge sheet within the time that may be fixed by the Court.

2.The learned counsel for the petitioner has submitted that the eighth respondent gave a false assurance that he would marry the petitioner and have a sexual relationship with the petitioner and also took video graph through his mobile phone. He further submitted that subsequently, the petitioner came to know that the eight respondent spread the video footage through Whatsapp, Facebook, Social Medias, Websites and Internet and hence, the petitioner has lodged a complaint on 05.12.2017 before the fourth respondent and subsequently, before the sixth respondent on 21.12.2017 and based on the said complaint, a case was registered in Cr.No.16 of 2017 under Sections 417, 294(b) and 506(1) IPC and the petitioner, on 03.01.2018, appeared before the seventh respondent and submitted a representation. Even thereafter, no action has been taken. He further submitted that the video clips containing obscene pictures, which have been posted in the websites by the eight respondent have to be deleted and he further requests to withdraw the investigation from the sixth respondent and transfer the same to the seventh respondent for further investigation.



3. The learned Government Advocate has submitted that insofar as the prayer for deleting the obscene video clippings from the websites is concerned, the sixth respondent has already taken steps with the help of the seventh respondent and the obscene clippings were deleted from the websites, which were mentioned in the complaint. He further submitted that if the aforesaid obscene clippings are uploaded in some another websites and if the petitioner gives particulars of the same, then the respondent police will take steps to delete those obscene clippings from the concerned websites also. He further submitted that the Commissioner of Police, Trichy, has issued a circular that the Cyber Crime Cell has not been acquired the status of a police station so far and the Cyber Crime Cell is a Center facilities to assess the investigating officer as and when required and therefore, he further submits that the investigation cannot be transferred to the seventh respondent. He further submitted that the sixth respondent is conducting the investigation with the able assistance of the seventh respondent and therefore, the investigation cannot be transferred.

4. He further submitted that already the cellphone, which has been seized from the accused, was sent to the forensic lab and after receipt of the report, if necessary, Section 66(A) of the Information Technology Act will also be included in the charge sheet.

5. Considering the aforesaid submission, that since the seventh respondent has not been acquired the status of the police station as per the circular of the Commissioner of Police, Trichy, the case cannot be transferred to the seventh respondent. The sixth respondent is directed to investigate the matter with the able assistance of the seventh respondent and if the investigation discloses the offence under Section 66(A) of the Information Technology Act; Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act and Section 376 of IPC, then he has to include those Sections in the final report.

6. With the aforesaid observation, the Writ Petition is disposed of. Consequently, connected Miscellaneous Petition is closed.

Sd/-

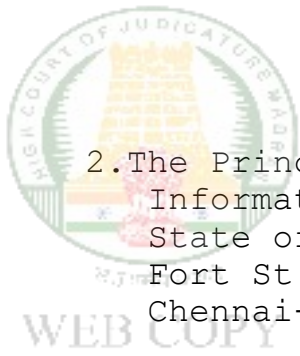
Assistant Registrar (Writs)

/True Copy/

Sub Assistant Registrar

To

1. The Principal Secretary,
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Ministry of Electronics and Information Technology,
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7.The Inspector of Police,
Ciber Cell,
Trichy City Police Commissioner Office Campus,
Subramaniamapuram,
Trichy.

+1cc to M/S.P.Paulpandi, Advocate SR.No. 57425
+1cc to Special Government Pleader, SR.No. 57285
+1cc to M/S.R.Alagumani, Advocate SR.No. 57000

W.P.(MD) No.5972 of 2018
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rmk
JM/SKN RSK/SAR 3/12.04.2018/4P/11C