

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.02.2019

CORAM :

THE HON'BLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.729 of 2019
and
Crl.M.P.No.460 of 2019

1.Mr.S.Sooryarajan
S/o.Mr.G.N.Sellathurai.

2.Mrs.S.Gajalakshmi,
W/o.Mr.G.N.Sellathurai. ...Petitioners

Vs.

1.The State rep. by its
The Inspector of Police,
S-6,Sankar Nagar Police Station,
Chennai District.
(Crime No.949 of 2018)

2.Ms.S.Dhanalakshmi
D/o.Shanmugasundaram. ...Respondents

PRAYER: The Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records pertaining to the First Information Report registered in Crime No.949 of 2018 by the respondent as against the petitioners and quash the same.

For Petitioners : Mr.M.Ravikumar

For R1 : Mr.Mohamed Riyaz,
Additional Public Prosecutor.

For R2 : Mr.T.R.Udhaya Kumar

O R D E R

This petition has been filed to quash the F.I.R. registered in Crime No.949 of 2018 on the file of the 1st respondent police for the offences registered under Section 67 of Information Technology Act 2000 and 4 of Tamil Nadu Prohibition of Harassment of Woman Act, 2002.

2.Heard the learned counsel for the petitioners and the learned counsel for the respondents.

3.The learned counsel for the petitioners submitted that no offences are made out as against these petitioners and absolutely there are no ingredients to attract the offence as against these petitioners. He further submitted that insofar as the second petitioner is concerned, the offence under Section 4 of Tamil Nadu Prohibition of Harassment of Woman Act, 2002 would not attract, since the definition of the word "Harassment" is gender specific and "Harassment" means any indecent conduct or act by a man which causes or is likely to cause intimidation, fear, shame or embarrassment, including abusing or causing hurt or nuisance or assault or use of force. Therefore, he sought for quashing the F.I.R.

4.The learned Additional Public Prosecutor would submit that these petitioners have committed very serious offence. The 1st petitioner has cheated the defacto complainant by snatching her gold chain under the cover of love and also blackmailed her and posted her photographs in the social media. When the defacto complainant questioned the same, he threatened her with dire consequences along with the second petitioner/mother. Therefore, the allegations made in the F.I.R. are liable to be investigated further. Hence, he seek to dismiss the petition.

5.Considering the facts and circumstances of the case and also the submissions made by the learned Additional Public Prosecutor, the F.I.R. needs to be investigated in detail and the prayer sought for by the petitioners cannot be entertained at this stage. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is also closed.

सत्यमेव जयते

Sd/-

Assistant Registrar(CO)

//True copy//

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Sub Assistant Registrar

rri/rm

To

1.The Inspector of Police,
S-6,Sankar Nagar Police Station,
Chennai District.
(Crime No.949 of 2018)

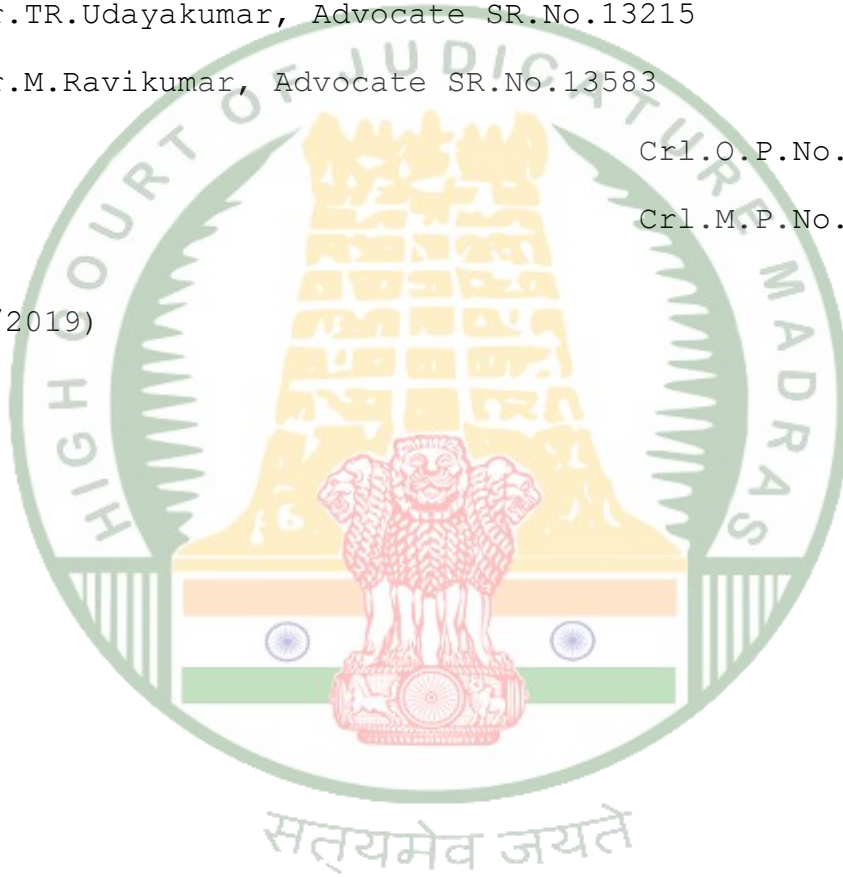
2.The Public Prosecutor
High Court, Madras.

+1cc to Mr.TR.Udayakumar, Advocate SR.No.13215

+1cc to Mr.M.Ravikumar, Advocate SR.No.13583

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and
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KJI (CO)
GMY (14/03/2019)



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