



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.10.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P (MD)No.11283 of 2020

and

Crl.M.P. (MD)No.5142 of 2020

WEB COPY

1.M.Mohammed Sadiq

2.Arif Nicha

... Petitioners/Accused 1 & 2

Vs.

1.State represented by its
The Inspector of Police,
Gandhi Market Police Station,
Trichy City.

... Respondent No.1/Complainant

2.M.Mohammed Jakria

...2nd Respondent/Defacto
Complainant

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to call for the records of the respondent police in and in FIR No.689 of 2019 dated 12.12.2019 pending on the Inspector of Police, Gandhi Market Police Station, Trichy and quash the same.

For Petitioners	:	Mr.K.R.Krishnan
For R1	:	Mr.V.Neelakandan, Additional Public Prosecutor

ORDER

Heard the learned counsel appearing for the petitioners and the learned Additional Public Prosecutor appearing for the first respondent.

2.This criminal original petition has been filed for quashing the impugned First Information Report in Crime No.689 of 2019 registered on the file of the first respondent for the offences under Section 509 of I.P.C., Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 and Section 67 of Information Technology Act, 2000.

3.The first petitioner is none other than the son of the defacto complainant/second respondent herein. The case of the defacto complainant is that the petitioners have circulated a highly offending and defamatory messages pertaining to the wife of the second respondent who is none other than the mother of the first petitioner in the family whatsapp group.



4.The petitioners' counsel would contend that the first petitioner had demanded partition of the family properties and angered by the same at the instance of his sisters, the impugned complaint has been falsely lodged.

5.This Court wanted to know if really any offending message as claimed by the defacto complainant was circulated in the family whatsapp group. The learned Additional Public Prosecutor stated that the downloaded material indicates such circulation of the offending messages and texts. But then the petitioners' counsel would firmly contend that the petitioners have nothing to do with the said publication or circulation of the offending texts and messages in the family whatsapp group.

6.I am afraid that I may not be in a position to go into these factual aspects at this point of time. The FIR was registered way back in December 2019. The first respondent cannot keep it pending indefinitely. The petitioners' counsel states that even though the first petitioner is wholly innocent, he is being harassed because of marking of this complaint to the first petitioner's employer and the Indian Embassy.

7.The petitioners' case is that they have nothing to do with the offending acts. Therefore, the first respondent is directed to conclude the investigation within a period of three months from the date of receipt of a copy of this order. Merely because the second respondent had made an allegation that the petitioners are responsible, that itself cannot be conclusive and determinative of the issue. The first respondent has to independently conduct the investigation and find out if there is really any connecting material. Only if there is connecting material, the petitioners herein can be named in the final report. Otherwise, the petitioners will have to be necessarily deleted from the array of accused when lodging the final report.

8.With these directions to the first respondent, this criminal original petition is disposed of. Consequently, connected miscellaneous petition is closed.

Sd/-

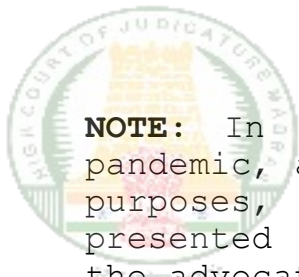
Assistant Registrar (CS-II)

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Sub Assistant Registrar(CS)

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NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

WEB COPY

To: -

- 1.The Inspector of Police,
Gandhi Market Police Station,
Trichy City.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.K.R.KRISHNAN, Advocate (SR-20759[F] dated 02/11/2020)

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SJ(CO)
AP(07/12/2020) 3P 4C