



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED:10.12.2020
CORAM
THE HONOURABLE Mr.JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.(MD).No.17069 of 2016

and

Crl.M.P.(MD).Nos.8423 and 8424 of 2016

WEB COPY

Geetha

... Petitioner/Sole Accused

Vs

1. State rep. by

The Inspector of Police,
Ettiyapuram Police Station,
Thoothukudi District.
(Crime No.129 of 2016)

... 1st Respondent/Complainant

2.Suganya

... 2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petitions filed under Section 482 of Cr.P.C, praying to call for the records pertaining to the case in C.C.No.263 of 2016 on the file of the Judicial Magistrate No.II, Kovilpatti, and quash the same.

For Petitioner : Mr.S.Ramasamy

For 1stRespondent : Mr.K.Suyambulinga Bharathi
Government Advocate (Crl. Side)

For 2ndRespondent : No appearance

ORDER

This criminal original petition has been filed to quash the proceedings in C.C.No.263 of 2016 on the file of the Judicial Magistrate No.II, Kovilpatti, as against the petitioner.

2.The petitioner is the sole accused, based on the complaint lodged by the second respondent herein. The crux of the complaint is that, the second respondent was working as Grade-II Constable at Reserved Armed Force, Thoothukudi. On 24.04.2016 a unknown person has created Face Book ID in the name of her sister Vimala, who is residing at Coimbatore in ID vimala 390@rediffmail.com and send a message from the Face Book in the name of Sudha Subbu alleging that the second respondent had illicit affairs with an advocate, and also with her sister's husband. Later it was found



that the petitioner created ID in the name of the second respondent's sister and posted message thereby, she committed offence under Section 67 of Information Technology Act, 2000.

3. On perusal of the records, it revealed that there was a dispute between the petitioner's family and the second respondent's family with regard to chit transactions and the same has been clearly spoken by the list of the witnesses under Section 161(3) of Cr.P.C. According to the case of the prosecution, the petitioner posted the message by using the video post sim Card No.9943836998. On verification, the said sim card is in the name of one Jeyapriya, who is senior student of the petitioner herein, whereas on the statement of the one Seenivasagam, Special Sub Inspector of Police, Shanmugsundaram, revealed that there is no such address. Therefore, the alleged statement is also trivial in nature and there is absolutely no possibility to convict the petitioner for the offence under Section 67 of Information and Technology Act, 2000.

4. Though notice served on the second respondent, but none appeared on behalf of the second respondent either in person or through pleader.

5. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the first respondent Police.

6. That apart, there is a previous enmity between the petitioner and the second respondent as such, the present impugned proceedings has been initiated by the second respondent. Therefore, the entire proceedings is nothing but clearly abuse of process of law and it cannot be sustained as against the petitioner.

7. Accordingly, this criminal original petition is allowed and the proceeding in C.C.No.263 of 2016 on the file of the Judicial Magistrate No.II, Kovilpatti, is hereby quashed. Consequently, the connected criminal miscellaneous petitions are closed.

Sd/-

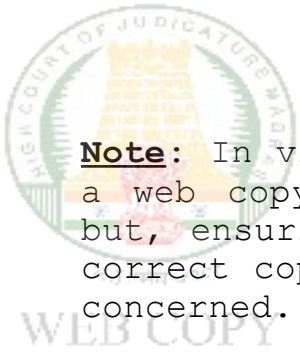
Assistant Registrar(CRL SIDE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

vsg



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.

To:

- 1.The Judicial Magistrate No.II,
Kovilpatti.
- 2.The Inspector of Police,
Ettiyapuram Police Station,
Thoothukudi District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P. (MD).No.17069 of 2016
and
Crl.M.P. (MD).Nos.8423 and 8424 of 2016
10.12.2020

SMV (CO)
TR(10.02.2021) 3P 4C