



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.07.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.8400 of 2021
and Crl.M.P.No.5556 of 2021

Kishore k swamy
S/o.Krishnaswami

... Petitioner/Accused-1

Vs.

1.State by: Inspector of Police
CCB-I
Cyber Crime, Greater Chennai Police
Veppery, Chennai
Cr.No.258 of 2020

2.Sonia

... Respondents/Complainant,
Defacto complainant

PRAYER: Petition filed under Section 482 of Cr.P.C., to call for the records in F.I.R. in Crime No.258 of 2020 on the file of CCB-I Cyber Crime Cell, Greater Chennai City Police and Quash the same.

For Petitioner : Mr.P.Kumar

For Respondents: Mr.E.Raj Thilak
Government Advocate (Crl. Side)

ORDER

(This case has been heard through video conference)

This Criminal Original Petition has been filed seeking to call for the records in F.I.R. in Crime No.258 of 2020 on the file of CCB-I Cyber Crime Cell, Greater Chennai City Police and Quash the same.

2.The contention of the petitioner is that the complaint has been lodged against the petitioner in order to tarnish his image and there is nothing to show that the petitioner had attempted to follow women and contacts, or attempted to contact such women to foster personal interaction repeatedly despite a clear indication of disinterest by such woman or monitor the use by a



woman of the internet, email or any other form of electronic communication, commits the offence of stalking. He further states that this case has been falsely foisted against the petitioner to detain him under Act 14, 1982.

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3.Mr.E.Raj Thilak, the learned Government Advocate (Crl. Side) would submit that the case of the prosecution is that the petitioner has been harassing the defacto complainant continuously by posting abusive and defamatory posts against her on Facebook and Twitter. The contents of his messages are highly derogatory and with criminal intent to defame the the defacto complainant in the public eye and instigated the public against her in twitter and Facebook. Thereby, CCB Crime No.258 of 2020 has been registered against the petitioner for the offence u/s.509 I.P.C and investigation is in progress. The collection of electronic materials and authority has to be done. He would further submit that the petitioner has now been detained under Act 14, 1982 and branded as a cybercrime offender in D.No.174 of 2021 dated 24.06.2021. The petitioner has got this adverse case and the above case is the ground case. The petitioner has also filed H.C.P. challenging the detention order.

4.Considering the fact that the petitioner has been detained under Act 14, 1982 and branded as cybercrime offender in D.No.174 of 2021 dated 24.06.2021 and also considering that this case has been referred as a ground case and he has challenged the said detention order in H.C.P. this court is not inclined to quash the F.I.R. in Crime No.258 of 2020, pending on the file of CCB-I Cyber Crime Cell, Greater Chennai City Police.

5.In the result, the criminal original petition stands dismissed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1.Inspector of Police

CCB-I, Cyber Crime, Greater Chennai Police

Veppery, Chennai

2.The Public Prosecutor

High Court of Madras

Chennai 600 104

Crl.O.P.No.8400 of 2021

AK(CO)

B.VC(05.08.2021)