



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.15904 of 2021

Karthikeyan,
S/o. Ramasamy

... Petitioner

Versus

1. The Sub-Inspector of Police,
Kammapuram Police Station,
Virudhachalam Taluk,
Cuddalore Dt.

2. Thamizh Thambi,
S/o. Mathiyazhagan

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for records in F.I.R. in Crime No.162 of 2021 on the file of 1st respondent police and quash the same under the circumstances of the case.

For Petitioner : Mr. G.Kadhiresan

For 1st Respondent : Mr.A.Damodaran,
Addl. Public Prosecutor

ORDER

(This case has been heard through video conference)

The petitioner/A2 in Crime No.162 of 2021 registered for an offence under Sections 354D of I.P.C. r/w 67 IT Act, has filed this quash petition.

2. The contention of the petitioner is that on mere surmises and pin chanting, the petitioner has been falsely implicated in this case. The allegation is that as the petitioner has made whatsapp video call, in which, he has conducted himself as obscene manner and also used such languages. When the phone number was deactivated, he activated and continued to disturb complainant's sister. Hence, the complaint came to be lodged.



Only phone number has been given in the complaint and the petitioner has been thereafter implicated.

3. The learned Additional Public Prosecutor appearing for 1st respondent would submit that tracing the mobile number and phone call, it is found that the petitioner was the culprit and the mobile phone of petitioner seized and it has been submitted before the lower court and the same to be forwarded to forensic study. Only after forensic examination, the persons involved would be confirmed. The petitioner's contention cannot be now looked into and the F.I.R. has been recently registered on 03.07.2021.

4. Heard submissions of learned counsel appearing for petitioner and learned Addl. Public Prosecutor appearing for 1st respondent and perused the records.

5. Considering the rival submissions and on perusal of materials, finding that the petitioner's mobile phone has been seized and in this case, it is seen that the petitioner is running a mobile phone sales and service shop and from him, sim card and phone numbers have been purchased and the sim card has been used for sending objectionable messages and videos. In view of the same, this Court finds that only after forensic report, the role of the petitioner can be ascertained and the investigation is only at the initial stage. Therefore, this Court is not inclined to entertain this petition. Accordingly, this Criminal Original Petition is dismissed.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

rpp/rap

To

1. The Sub-Inspector of Police,
Kammapuram Police Station,
Virudhachalam Taluk,
Cuddalore Dt.
2. The Public Prosecutor,
High Court, Madras.

CRL.O.P.No.15904 of 2021

PPA (CO)

K.RK. (12.10.2021)