



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :16.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE **G. ILANGO VAN**

CrI.O.P. (MD)No.10656 of 2021

CRL.M.P. (MD) .No.5436 of 2021

WEB COPY

G.Ayyanar

... Petitioner/Sole Accused

Vs.

1. The Inspector of Police,
Austinpatti Police Station,
Madurai.

(Crime No.37 of 2021)

... 1st Respondent/Complainant

2.Kavitha Pethaka
Women Head Constable,
Anti Human Trafficking Unit,
Madurai.

...2nd Respondent/Defacto-Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to the impugned FIR in Crime No.37 of 2021 dated 07.02.2021 on the file of the 1st respondent Police and to quash the same as illegal.

For Petitioner : Mr.A.Satheesh Murugan

For Respondents : Mr.R.M.Anbunithi

Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to call for the records pertaining to the impugned FIR in Crime No.37 of 2021 dated 07.02.2021 on the file of the 1st respondent Police and to quash the same as illegal.

2. The case of the prosecution is that the petitioner has watched the pornographic Videos of children after downloading and uploading the same from his mobile No.9787792221 on 05.08.2019 at about 01.11.39 (UTC) in the Facebook and Whatsapp by using IP Addresss. The same was obtained from the report of the Deputy Superintendent of Police generated through the National Centre for missing and exploited children. On the basis of the complaint given by the defacto complainant, the case has been registered against the petitioner for the offence punishable under Section 67(B) (a) of



the Information Technology Act and Section 15(ii) of the Protection of Children from Sexual Offences Act, 2012.

3. Seeking quashment of the First Information Report, this petition has been filed mainly on the ground that without making any preliminary enquiry, this case has been registered against this petitioner. There is no commercial purpose involved in this matter.

4. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

5. The learned Additional Public Prosecutor appearing for the respondent would submit that the investigation has been completed and the final report is also made ready and the petitioner's mobile phone that has been seized from him has shown the evidence of the offence which has been confirmed by the Expert opinion also. So, according to the learned Additional Public Prosecutor, nothing survives for further consideration is required.

6. But, however, the learned counsel for the petitioner would submit that as mentioned earlier, no preliminary enquiry has been undertaken, no commercial exploitation has also been involved and there is a delay in registering the case.

7. The ground made by the petitioner in this petition cannot be taken into account at the preliminary stage. But, a serious allegation has been made against the petitioner and the question of performing the preliminary investigation or enquiry may not arise in this matter. After a long watch, the National Centre for Missing and Exploited Children Cyber Tipline has found out this occurrence. So, the question of delay in registering the case has no significance. Only on the basis of the complaint given by the above said Centre, a case has been registered. The IP Address of the mobile phone which has been seized from this petitioner is also found matching. Not only downloading the videos, but it appears that he has shared the same through social media. So, I find no ground or merit in this petition to quash the First Information Report. The petitioner has to undergo the trial process.

8. Accordingly, this Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



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 Inspector of Police,
Austinpatti Police Station,
Madurai.
Crime No.37 of 2021
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

CrI.O.P. (MD) No.10656 of 2021
16.08.2021

MGJ(25.08.2021) 3P 3C