



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.04.2022

CORAM :

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.7817 of 2022

R.Rajkumar

...Petitioner/Accused No.3

-Vs-

State rep by,
The Sub Inspector of Police,
W-22 All Women Police Station,
Mylapore, Chennai - 04.
(Cr.No.11/2020).

..Respondent/Complainant

Prayer : Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code, praying to call for the records relating to FIR in Cr.No.11 of 2020 dated 04.11.2020 on the file of the Sub Inspector of Police, W-22 All Women Police Station, Mylapore, Chennai - 04 and quash the same as against the petitioner/accused No.3.

For Petitioner :Mr.P.Arun Kumar

For Respondent :Mr.A.Gokulakrishnan
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to call for the records relating to FIR in Cr.No.11 of 2020 dated 04.11.2020 on the file of the Sub Inspector of Police, W-22 All Women Police Station, Mylapore, Chennai - 04 and quash the same as against the petitioner/accused No.3.

2.The learned counsel for the petitioner would submit that the petitioner has been arrayed as A3 in this case. There is no material to show in the FIR that the petitioner had shared obscene video to anybody and thereby he would seek to quash the proceedings.



3. The learned Additional Public Prosecutor would submit that the petitioner along with other accused were found to seeing the obscene videos based on the complaint given by the defacto complainant, a case has been registered for the offences under Section 14(1) and 15 of POCSO Act 2012, u/s 66E, 67, 67A and 67B(b) of Information Technology Act 2008. The investigation is at the initial stage, the seized mobile phone has been sent for analysis, only after obtaining the report, the respondent can come to a conclusion that the videos have been shared to anybody or not.

4. It is seen from the First Information Report that there are specific allegation as against the petitioner, which has to be investigated. Further the FIR is not an encyclopedia and it need not contain all facts. Further, it cannot be quashed in the threshold. This Court finds that the FIR discloses prima facie commission of cognizable offence and as such this Court cannot interfere with the investigation. The investigating machinery has to investigate, grab and unearth the crime in accordance with the procedures prescribed in the Code.

5. In view of the above, this Court is not inclined to quash the FIR in Crime No.11 of 2020. Accordingly, this criminal original petition is dismissed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar

jas/tsh

To

1.The Sub Inspector of Police,
W-22 All Women Police Station,
Mylapore, Chennai - 04.

2.The Public Prosecutor,
High Court, Madras.

Cr1.O.P.No.7817 of 2022

SR(CO)
CB(18/04/2022)