



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2022

CORAM:

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

W.P.NO.13046 OF 2022

AND

W.M.P.NOS.12455 TO 12458 OF 2022

1.Syed Abuthahir
S/o.Rahamathullah

2.Syed Ali Hussain
S/o.Bavajan

...Petitioners

Vs.

1.The Inspector of Police
Team-14, Cyber Crime Cell
Central Crime Branch, Chennai
(Cr.No.79 of 2021)

2.The Inspector of Police
Tiruppur City Cybercrime Police Station
Tiruppur District
(Cr.No.15 of 2021)

3.The Inspector of Police
Chengalpattu Cybercrime Police Station
Chengalpatu District
(Cr.No.15 of 2021)

4.Mr.Ashok Kumar

5.Ramesh Raja

6.Sivakumar

...Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, calling for the records of the impugned F.I.Rs in Crime No.15 of 202 on the files of the 2nd respondent dated 22.09.2021 and Crime No.15 of 2021 on the files of the 3rd respondent dated 16.12.2021 and quash the same as illegal and consequently consolidate the same as part of the trial in C.C.No.84 of 2021 pending before the learned Judicial Magistrate-1, Poonamallee.



For Petitioner : Mr.I.Abdul Basith
For Respondents : Mr.A.Gokulakrishnan
Additional Public Prosecutor

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ORDER

This petition is filed to quash the F.I.R. in Crime No.15 of 2021 filed by the CCB, Tirupur and Crime No.15 of 2021 filed by the CCB, Chengalpattu for the alleged offence u/s.406, 419, 420 and 66D of the Information Technology Act.

2.The main grievance of the petitioner is that already based on similar fifteen (15) complaints, cognizance were taken by the learned Judicial Magistrate No.1, Poonamallee, in C.C.No.84 of 2021. The contention is that all the subsequent complaints must be only treated as the statements u/s.161 Cr.P.C. and registering multiple F.I.Rs will only cause confusion and lead to inconvenience. Therefore, seeks to quash the F.I.R. registered in Crime No.15 of 2021 pending on the file of the CCB, Tiruppur Police Station and Crime No.15 of 2021 pending on the file of the CCB, Chengalpattu.

3.Heard Mr.A.Gokulakrishnan, the learned Additional Public Prosecutor, appearing for the respondents 1 to 3.

4.Learned Additional Public Prosecutor has not disputed the fact that based on fifteen complaints already filed, 15 F.I.Rs too were consolidated and a final report also filed and taken on file by the learned Judicial Magistrate No.1, Poonamallee.

5.Considering the fact that the allegation mainly pertaining to online trading which several people said to have suffered residing in various places, as the main crux of the allegations are already taken on file by the learned Judicial Magistrate No.1, Poonamallee. Multiple F.I.Rs of the similar nature not only create difficulty to the Investigating Officer but also to the accused.

6.Accordingly, all the complaints which were registered in Crime No.15 of 2021 as separate F.I.R. need not be proceeded. Further the said F.I.R. filed by the respective police shall be closed instead the above complaint be added as witnesses, and the statements to be recorded and filed as additional materials before the Judicial Magistrate No.1, Poonamallee where C.C.No.84 of 202 is already pending. Whatever the additional materials is filed with regard to the subsequent complaints, the Judicial Magistrate No.1, Poonamallee shall take the same into consideration and proceed with the trial as per law.



7. With the above direction, the Writ Petition stands allowed. Consequently, the connected miscellaneous petitions are closed. No costs.

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Sd/-
Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar

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To

1. The Judicial Magistrate - I
Poonamallee.
2. The Inspector of Police
Team-14, Cyber Crime Cell
Central Crime Branch, Chennai
(Cr.No.79 of 2021)
3. The Inspector of Police
Tiruppur City Cybercrime Police Station
Tiruppur District
(Cr.No.15 of 2021)
4. The Inspector of Police
Chengalpattu Cybercrime Police Station
Chengalpattu District
(Cr.No.15 of 2021)
5. The Public Prosecutor
High Court of Madras
Chennai 600 104.

+1cc to Mr.I.Abdul Basith, Advocate Sr.No.33533

W.P.No.13046 of 2022
and
W.M.P.Nos.12455 to 12458 of 2022

MT(CO)
RVM(21/06/2022)