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Crl.O.P.No.23457 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.09.2022

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.O.P.No.23457 of 2022

&

Crl.M.P.No.14966 of 2022

1.Cicily Saira Mathew

2.Mathew Jose Urumbath

...

Petitioners

/vs/

1.The Inspector of Police,
Pallavaram, St.Thomas Mount,
Pallavaram Taluk, Chennai District.

2.R.Gautham

...

Respondents

Prayer : The Criminal Original Petition has been filed under Section 482 Cr.P.C. to call for the records vide FIR crime No.316 of 2022 dated 20.04.2022 pending on the file of the 1st respondent under Section 67A of Information Technology Act, 2000 and under Section 294 B and 506(1) of IPC and quash the same.

For Petitioners

...

Mr.P.Muthusamy

For Respondent
No.1

...

Mr.S.Santhosh
Government Advocate (Crl.Side)



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ORDER

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This Criminal Original Petition has been filed to call for the records in crime No.316 of 2022 dated 20.04.2022 pending on the file of the 1st respondent under Section 67A of Information Technology Act, 2000 and under Sections 294 B and 506(1) IPC and quash the same.

2.The learned counsel for the petitioners submitted that the petitioners are not connected with the allegation as stated in the complaint. Apart from this, the petitioners being victims, the first respondent police wrongly registered a case against the petitioners under Section 67 (A) of the Information Technology Act, 2000 and the said offence will not be made out against the victims. The other allegations with regard to the offences under Sections 294 (b) and 506(1) IPC will not made out as against the victims as stated in the complaint. Therefore, there is no case made out for investigation and it needs to be quashed.

3.The learned Government Advocate (Crl.side) submitted that with regard to this case, they are seeking further particulars as to the exchange of



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obscene messages, materials as well as photos from the Kerala Police in FIR.No. 2 of 2021, in which, complaint had been given by the first petitioner herein/victim against the second respondent herein, who is the complainant in this case. Under these circumstances, the complaint given by the first petitioner as well as the complaint given by the complainant/second respondent are also investigated to find out the truth. Therefore, the investigation is pending and it is inappropriate to quash both the FIRs. Hence, he seeks to dismiss the criminal original petition.

4.I have considered the submission made by the learned counsel for the petitioners as well as the submission made by the Government Advocate (Crl.side).

5.On perusal of the FIR, there is an allegation of threatening the complainant by the first petitioner that she being a women could easily file fake harassment charges against the complainant and spoil his life. It is also brought to the notice of this Court that the first petitioner also gave a complaint against the defeacto complaint, which was registered at Kerala in



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Crime No.2 of 2021, the respondent police is investigating and getting particulars in both cases to find out the truth. Therefore, it does not meet the parameters laid down by the Supreme Court in *State of Haryana vs. Ch.BhajanLal (AIR 1992 SC 604)*, *M/s Neeharika Infrastructure Pvt. Ltd. Vs. State of Maharashtra and others (2021 SCC online 315)* & *PRATIBHA RANI Vs.SURAJ KUMAR & ANR (1985 Crl.L.J.817)*, the matter has to be investigated to find out the truth. Therefore I find no merit in the present petition.

Accordingly, the criminal original petition is dismissed. Consequently, connected miscellaneous petition is closed.

Index : Yes/No

Internet : Yes/No

sms

28.09.2022

To

1.The Inspector of Police,
Pallavaram, St.Thomas Mount,
Pallavaram Taluk, Chennai District.

2.The Public Prosecutor,
High Court, Madras.



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V.SIVAGNANAM ,J.

sms

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