

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.01.2022

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THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.RC.No.1021 of 2021

V.Sathish Kumar

...Petitioner

Vs.

The State rep by,
The Inspector of Police,
Central Crime Branch (Cyber crime)
Office of the Commissioner of Police,
EVK Sampath Salai,
Vepery, Chennai - 7.

...Respondents

PRAYER: Criminal Revision is filed under Sections 397 & 401 of Criminal Procedure Code to call for the records relating to Crl.MP.No.20675 of 2021 on the file of the Chief Metropolitan Magistrate, Egmore, Chennai and set aside the impugned order of dismissing the complaint and direct the police to register a case as per the averments in the complaint.

For Petitioner : Mr.Shanmughavelayutham, Sr.Counsel
for Mr.T.Vijayaraghavan

For Respondent : Mr.S.Sugendran, GA (Crl.side).

ORDER

(The case has been heard through video conference)

This revision has been filed against the order passed by the Chief Metropolitan Magistrate in Crl.MP.No.20675 of 2021 dated 11.10.2021 dismissing the petition filed under Section 156(3) Cr.PC.

2. The brief facts of the case is as follows :-

It is the case of the petitioner is that he is working in a private concern at Chennai and he had earlier pursued Engineering at Panimalar Engineering College during 2010-2014 and during that time he had befriended with one Swasthishta and later the relationship got strained and thereafter the said Swasthishta alongwith her friends Rakesh Charan, Saravana Perumal, Prince Daniel and Rakesh Bharanidharan on the instigation of the Swasthishta had harassed him physically and

mentally. The petitioner had complained the same to the college authorities and inspite of that no action was taken, thereafter, the friends of the said Swasthishta had continued to threaten the petitioner in person as well as through E-mails on her instigation. On one occasion, the petitioner was attacked by few unknown social elements near Nelson Manickam Road and fearing danger, the petitioner had lodged complaint with the Commissioner of Police vide C.No.3361/CCB/Visitors/2015 during the year 2015. The complaint was forwarded to the respondent and the petitioner appeared for enquiry, however, no action was taken by the respondent. Subsequently he had also given a complaint during the year 2017. The said Swasthishta's mother Mrs.Sagundhala is a highly influential person in terms of money and men. The respondent has not taken any action, thereby the petitioner had filed petition under Section 156(3) Cr.PC. The learned Magistrate finding that no proper particulars have been given by the petitioner had dismissed the complaint, against which the present revision has been filed.

3. Mr.Shanmugavelayutham, Senior Counsel appearing for the petitioner would submit that though the complaint may look like dispute between students, it is the case were the petitioner was continuously stacked and he was physically and mentally harassed and threatened through cyber mode also. The accused had intimidated the petitioner by sending messages from various email IDs. Thereby, the petitioner fearing danger to his life had given complaint to the Commissioner of Police. Though the complaint was referred to the respondent for investigation. The respondent has not registered the case for the reasons best known, thereby the petitioner had approached the learned Magistrate by filing complaint under Section 156(3) Cr.PC.

4.Per contra, the learned Government Advocate (Crl.side) would submit that the petitioner had given a complaint to the Commissioner of Police during the year 2015, stating that he was threatened and harassed by his classmate/friends, while he was studying Engineering course during the period August 2010 to May 2014. In the complaint, the petitioner had given the email IDs of suspected profiles and other than that, the complainant did not given any specific details about the alleged physical and mental harassment made on him. The petitioner was called for enquiry and the respondent attempted to open the alleged profile given by the petitioner and they were unable to open the profiles. The petitioners has also not given any details with regard to the cyber stalking and thereby the respondent is unable to proceed further. The petitioner had filed petition under Section 156(3) Cr.PC, the trial Court finding that the case of cognizable nature is not made out had dismissed the petition.

5.Heard the learned counsel for the petitioner and perused the materials available on records.

6.It is the case of the petitioner that while he was undergoing Engineering course in Panimalar Engineering College, during the period August 2010 to May 2014, he had befriended a girl and later the relationship got strained and thereafter she alongwith her friends who are also students in the same college had physically and mentally harassed the petitioner. The complaint has been given during the year 2015. The respondent had taken up the complaint and since, the petitioner was unable to furnish details they have not proceeded further. The petitioner had later filed the complaint before the learned Magistrate, the learned Magistrate finding that the complaint was bereft of details and did not contain any particulars with regard to the incidents alleged had dismissed the petition.

7.This Court does not find any infirmity or illegality in the order passed by the trial Court. The revision petition lacks merits and stands dismissed. However, in the event of the petitioner able to gather any further details and information, he is at liberty to give a fresh complaint with particulars and details.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1. The Chief Metropolitan Magistrate,
Egmore, Chennai.
2. The The Inspector of Police,
Central Crime Branch (Cyber crime)
Office of the Commissioner of Police,
EVK Sampath Salai,
Vepery, Chennai - 7.
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.T.Vijayaraghavan, Advocate, S.R.No.4066

Cr1.RC.No.1021 of 2021

GPL(CO)
RGA(15/02/2022)