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Crl.O.P.No.25960 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.10.2022

CORAM:

THE HONOURABLE MR. JUSTICE **V.SIVAGNANAM**

Crl.O.P.No.25960 of 2022
and Crl.MP.No.16025 of 2022

1. S.Tarzan
2. Lakshmi Devi.T
Petitioners

...

Vs.

1. The State rep.by
The Inspector of Police
Kadambathur Police Station,
Thiruvallur District
Crime No.257 of 2021

2. Priya
Respondents

...

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records and quash the proceedings against the petitioners/accused A1 & A2 in Crime No.257 of 2021 dated 18.07.2021 pending on the file of the first respondent police.

For Petitioners : Mr.M.Vignesh

For Respondents : Mr.S.Santhosh



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Government Advocate (Crl. Side) for R1

ORDER

This Criminal Original Petition has been filed to call for the records and quash the proceedings against the petitioners/accused A1 & A2 in Crime No.257 of 2021 dated 18.07.2021 pending on the file of the first respondent police.

2. The learned counsel for the petitioners submitted that the defacto complainant gave two complaints against the petitioners with same set of facts. One before the respondent police for the offence under Sections 384, 509, 354C, 506(ii) IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act 2002 r/w Section 67 of Information Technology Act 2000 and the other before the All Women Police Station, Tiruttani in Crime No.9 of 2021 and the same has been forwarded to All Women Police Station, Tiruvallur in Crime No.15 of 2021. The allegation as stated by the defacto complainant is a false one and hence the proceedings against the petitioners are liable to be quashed.



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3. The learned Government Advocate (Crl.side) submitted that in these two cases occurrence took place at different time with different dimensions, therefore the matter has to be investigated to find out the truth and the same is at the beginning stage. Hence, he prayed for dismissal of this petition.

4. Heard both sides and perused the materials available on record.

5. On perusal of records, it reveals that the petitioners are the accused in Crime No.257 of 2021 registered for the offence under Sections 384, 509, 354C, 506(ii) IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act 2002 r/w Section 67 of Information Technology Act 2000. The allegation stated in the FIR is that on 17.07.2021 at about 1:54 p.m. the petitioners sent a whatsapp message containing obscene photographs of the defacto complainant. The first petitioner is an Advocate and the second petitioner is his wife. The defacto complainant approached the first petitioner for divorce case and during that time the first petitioner alleged to have given sexual harassment to the defacto complainant and took obscene photographs



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and petitioners demanded Rs.20,00,000/-. The petitioners threatened the defacto complainant by stating that if she is not meeting their demand they would upload the obscene photographs in the online. Hence the defacto complainant gave a complaint and for the same set of facts another complaint was lodged before the All Women Police Station, Tiruttani in Crime No.9 of 2021 and the same has been forwarded to All Women Police Station, Tiruvallur in Crime No.15 of 2021.

6. On perusal of the impugned FIR it is seen that the allegation therein would prima facie make out a case for investigation by the police authority and 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)***. Therefore, it is inappropriate to quash the FIR and close the investigation at the beginning stage. Therefore I find no merit and investigation in this case is to be conducted to find out the truth.



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

29.10.2022

Index:Yes/No

Speaking/Non speaking order

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V. SIVAGNANAM, J.

dpq

To:

1. The Inspector of Police
Kadambathur Police Station,
Thiruvallur District
2. The Public Prosecutor
High Court of Madras.

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