



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.03.2022

**CORAM**

WEB COPY

**THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN**

**Crl.O.P.(MD)No.7076 of 2020**

**and**

**Crl.M.P(MD)No.3507 of 2020**

R.Muthu

...Petitioner/  
Sole Accused

Vs.

1.The State rep by the  
Sub Inspector of Police,  
Tenkarai Police Station,  
Theni District.

...1<sup>st</sup> Respondent/  
Complainant

2.Tamilvanan

...2<sup>nd</sup> Respondent/  
Defacto Complainant

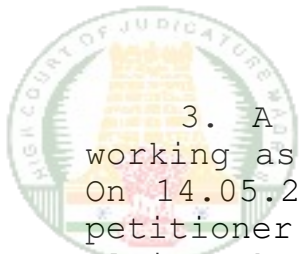
**Prayer:** Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the records pertaining to the first information report in Crime No.968 of 2020 on the file of the first respondent police and quash the same.

|                |   |                                                      |
|----------------|---|------------------------------------------------------|
| For Petitioner | : | MrsT.Lavanya                                         |
| For R1         | : | Mr.K.Sanjai Gandhi<br>Government Advocate(Crl. Side) |
| For R2         | : | Mr.J.Vishnu                                          |

**ORDER**

This Criminal Original Petition has been filed for quashing the FIR in Crime No.968 of 2020 on the file of the first respondent registered for the offences under Sections 153, 504 IPC and Section 67 of Information Technology Act, 2000.

2. On the complaint lodged by the second respondent, alleging that the Secretary of the VCK authority, the petitioner had posted on Social Media as if the Founder of the said Party, namely, Thirumavalavan has deserted him and after seeing the same, he requested the first respondent to take immediate action as against the petitioner. On receipt of the same, the first respondent has registered an FIR in Crime No.968 of 2020 for the offences under Sections 153, 504 IPC and Section 67 of Information Technology Act, 2000.



3. A perusal of the records revealed that the petitioner is working as a Superintendent, Sub Jail, Periyakulam, Theni District. On 14.05.2020, a mobile phone conversation took place between the petitioner and the Chinnamuthu, an Advocate of Periyakulam. He claims that the petitioner is acting in a biased manner and shouted as if the petitioner is not taking action against a particular community people and they involved in cases more fully and are taking bail bonds and following legal proceedings. The petitioner in order to avoid unpleasant situation, has given a complaint before the Inspector of Police, Thenkarai Police Station against the said Chinnamuthu, Advocate and the Police registered a case in Crime No.846 of 2020 for the offences under Sections 294, 353 and 506 (1) IPC

4. Under these circumstances, the second respondent has lodged a complaint after a period of six months from the date of the alleged post. On perusal of the entire complaint, it is seen that it is a bald and wild allegations and also there is no iota of evidence as against the petitioner to prove the said allegations. Further, the complaint does not disclose the ingredients for the offences under Sections 153, 504 IPC. The ingredients of Section 166 IPC are also not attributable to the facts of the present complaint. However, any complaint received on these counts and allegations, the first respondent ought to have conducted enquiry about the message forwarded through social media and from where the same was originated, etc, and other relevant procedures. Only after the enquiry in the case, case has to be registered as against the persons who posted the message. In the case, the first respondent mechanically registered the case after a period of six months from the date of such message.

5. The learned Government Advocate (Criminal Side) submits that now, the investigation is completed and final report has been filed on 10.03.2022 before the learned Judicial Magistrate, Periyakulam, Theni District. In view of the above, the entire proceedings cannot be sustained as against the petitioner since there is nothing as against the petitioner.

6. In view of the above, the FIR in Crime No.968 of 2020 and subsequent proceedings, namely, charge sheet are quashed. Therefore, this Petition stands allowed. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



To

1.The Judicial Magistrate,Periyakulam,  
Theni.

2.The Sub Inspector of Police,  
Tenkarai Police Station,  
Theni District.

3.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

+1 CC to M/s.T.LAVANYA, Advocate ( SR-15135[F] dated 29/03/2022 )

**Crl.O.P. (MD)No.7076 of 2020**

25.03.2022

MGJ(07.04.2022) 3P 5C