



CrI.O.P.(MD) No.11747 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.07.2022

CORAM:

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

CrI.O.P.(MD) No.11747 of 2022

and

CrI.M.P(MD) No.7410 of 2022

Chairmanraj,

: Petitioner

Vs

1.State through
The Inspector of Police,
Maniyachi Police Station,
Thoothukudi.
Crime.No.4 of 2022.

2. P. Pavithra,
Village Health Nurse,
Primary Health
Centre, Maniyachi,
Thoothukudi

: Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying
this Court to call for the records in Crime No. 4 of 2022, on the file of the
Inspector of Police, Maniyachi Police Station, Thoothukudi and quash the



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same as illegal.

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For Petitioner : M/s.Ganapathi Subramanian P,

For R1 : Mr.M.Sakthi Kumar,
Government Advocate (Crl.Side)

ORDER

This criminal original petition has been filed seeking to quash the FIR in Crime No. 4 of 2022, on the file of the Inspector of Police, Maniyachi Police Station, Thoothukudi.

2.The learned Counsel appearing for the petitioner submitted that based on the complaint lodged by the second respondent, an FIR in Crime No.4 of 2022 has been registered, for the offences under Sections 67 and 79 of Information Technology Act, 2000, as against the petitioner. The petitioner has not committed any offence under Sections 67 and 79 of Information Technology Act, 2000. Further, the allegation against the petitioner is that his relative one Suriya Deepa got aborted after having vaccinated the COVID-19 injection and falsely accused the Health Department and the Government.



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For this, Sections 67 and 79 of Information Technology Act, 2000, will not be attracted. Hence, he pleaded to quash the FIR.

3.The learned Government Advocate (Crl.Side) also admitted that Sections 67 and 79 of Information Technology Act, 2002 will not be attracted for the allegation against the petitioner.

4.Heard both sides.

5.On a perusal of records, it is seen that the allegation against the petitioner is that he posted a message in his Twitter account stating that his relative one Suriya Deepa got aborted because of having vaccinated the COVID-19 prevention injection and falsely accused the Health Department and the Government. But, this alleged tweet is neither punishable under Section 67 nor under Section 79 of Information Technology Act.

6.Hence, there is no offence is made out against the petitioner. Therefore, continuing the investigation and criminal proceedings against the petitioner is the abuse of process of law. Accordingly, the FIR in Crime No.4



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of 2022 is quashed and this criminal original petition stands allowed.

Consequently, connected miscellaneous petition is closed.

01.07.2022

Internet:Yes

Index:Yes/No

Speaking/Non speaking order

lr



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V.SIVAGNANAM, J.

lr

To

1.The Inspector of Police,
Maniyachi Police Station,
Thoothukudi.

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

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