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Crl.O.P No.18215 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.08.2023

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.18215 of 2023

and

Crl.M.P.No.12078 of 2023

Jayaram Venkatesan
Convenor of Arappor Iyakkam,
No.7, Second Floor, Sathya Plaza,
Dr.Thirumoorthy Nagar Main Road,
Nungambakkam, Chennai – 600 034. ... Petitioner

VS.

1.State of Tamilnadu,
Rep. by Inspector of Police,
K5, Peravallur Police Station,
Siva Elango Salai,
Periyar Nagar West, Perambur.
Chennai – 600 082.

2.Rakesh ... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for records of F.I.R. in Crime No.355 of 2019 on the file of K5, Peravallur Police Station, Chennai and quash the same.



CrI.O.P No.18215 of 2023

For Petitioner : Ms.N.S.Tanvi

For Respondent-1 : Mr.A.Damodaran
Additional Public Prosecutor

ORDER

This petition has been filed to quash the F.I.R. registered in Crime No.355 of 2019, pending on the file of first respondent.

2. The case of the prosecution is that the complainant saw a message in his Facebook and WhatsApp titled Arappor Iyakkam and it was mentioned that an awareness programme is going to be held to explain as to how Police Department should be considered as a friend. According to the complainant, the concerned post contained a logo of the Tamil Nadu Police Department. This event was supposed to be conducted on 14.07.2019 at 5.00 p.m. and ultimately, when the complainant went to the spot, he found that no such event had taken place. In view of the same, a complaint was given and it was registered by the first respondent in Crime No.355 of 2019 for alleged offences under Sections 465, 468, 471 of I.P.C., Sections 7(1), 3, 4 of State



Crl.O.P No.18215 of 2023

Emblem of India (Prohibition of Improper Use) Act, 2005 and Section 66D
of Information Technology Act, 2000.

WEB COPY

3. Heard the learned counsel appearing for petitioner and the learned Additional Public Prosecutor appearing on behalf of first respondent.

4. In the considered view of this Court, the entire complaint that was given by the second respondent is an abuse of process of law. It is seen from records that the concerned Association had decided to conduct a meeting and ultimately, it was cancelled, since the owner of the hall at the last minute said that he will not be able to give the hall for conducting the meeting due to some pressure from elsewhere. Therefore, the meeting was not even held. For a meeting that was not held, a complaint was given by the second respondent as if the police logo has been misused and the general public have been misled. This complaint was given in the year 2019 and it is pending till date.



Crl.O.P No.18215 of 2023

WEB COPY

5. In the considered view of this Court, this is a classic case of abuse of process of law and the continuation of the investigation against the petitioner will only result in abuse of process of law, which requires the interference of this Court in exercise of its jurisdiction under Section 482 of Cr.P.C.

6. In the light of the above discussions, the F.I.R. in Crime No.355 of 2019, pending on the file of first respondent is hereby quashed and the Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

16.08.2023

Index : Yes/No

Internet : Yes/No

Speaking Order/Non-Speaking Order

rsi



Crl.O.P No.18215 of 2023

WEB COPY

To

1.The Inspector of Police,
K5, Peravallur Police Station,
Siva Elango Salai,
Periyar Nagar West, Perambur.
Chennai – 600 082.

2.The Public Prosecutor,
High Court of Madras,
Madras.



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Crl.O.P No.18215 of 2023

N. ANAND VENKATESH, J.

rsi

Crl.O.P No.18215 of 2023

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