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Crl.O.P.No.32665 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.01.2023

CORAM:

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.32665 of 2022 and
Crl.M.P.Nos.20162 & 20163 of 2022

V.Vasanth @ Vasanthakumar ... Petitioner

Vs.

1.State rep.by
The Inspector of Police,
W-7, All Women Police Station,
Anna Nagar, Chennai - 600 040.

2.Mr.R.Chandrasekar ... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records in C.C.No.19 of 2022 on the file of the Addl.Mahila Metropolitan Magistrate's Court, Egmore, Chennai and quash the same as against the petitioner.

For Petitioner : Mr. M.Digvijayapandian
For Respondents : Mr.S.Santhosh
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition is filed to call for the records in C.C.No.19 of 2022, on the file of the Addl.Mahila Metropolitan Magistrate's Court, Egmore, Chennai and quash the same as against the petitioner.



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2.The learned counsel for the petitioner submitted that complaint in this case was given before the Inspector of Police, K3 Police Station, All Women Police Station, Anna Nagar, Chennai. His further submission is that this being a case registered under Sections 354 C, 506 (i) IPC and Sections 67, 67A & 67C of Information Technology Act, 2000, only law and order police can register the complaint and not All Women Police Station.

3.The next submission is that electronic documents had not been supported by the certificate under Section 65B of the Indian Evidence Act. In support of his submission that because of faulty registration of FIR and non production of the certificate under Section 65B of the Indian Evidence Act, prosecution cannot be maintained, he produced the following judgments (1) ***State of Haryana and Ors. Vs. Bhajan Lal and Ors.*** reported in ***1992 AIR 604*** and (2) ***Preeti Gupta & Another Vs. State of Jharkhand & Another*** reported in ***2010 4 Crimes (SC) 19*** for the proposition that every High Court has inherent power to act *ex debito justitiae* to do real and substantial justice, for the administration of which alone it exists, or to prevent abuse of the process of the Court.



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4. In response, the learned Government Advocate (Crl.Side) submitted that All Women Police Station comes under the jurisdiction of the Deputy Superintendent of Police. It can register all the crimes committed against women. The offences in this case has been committed not only against the defacto complainant, but primarily against his wife. Therefore, All Women Police Station has jurisdiction to register this complaint, investigate and file a final report and accordingly, final report was filed. It is also his submission that the certificate under Section 65B was obtained to produced before the Court. If at all any objections in Section 65 B certificate that can be raised before the trial Court.

5. Considered the rival submissions and perused the records.

6. FIR in this case in Crime No.11 of 2021 was registered for the offences under Sections 354 C, 506 (i) IPC and Sections 67, 67A & 67C of Information Technology Act, 2000, by All Women Police Station, Anna Nagar. The allegations made in the FIR in brief are that, defacto complainant's wife is Mahalakshmi. They have a daughter aged about 4 years and son aged about



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1 ½ years. Defacto complainant is working as a Camera man in a private television network. In connection with his work, he use to visit Mumbai frequently. Six months prior to the registration of the FIR, the accused Vasanth had misbehaved with his wife by cheating her. On 06.08.2021, the said Vasanth sent pictures showing him and defacto complainant's wife in a compromising position and voice messages through cell phone number 8667063014. By sending these pictures and messages, he created problem in their family life. He threatened that he would upload the photographs showing himself and the defacto complainant's wife in social media platform and spoil the defacto complainant's family reputation. Therefore complaint was given.

7.After the investigation, respondent police filed a final report against the petitioner for the offences under Sections 354 C, 506 (i) IPC and Sections 67, 67A & 67C of Information Technology Act, 2000. During the course of investigation, the respondent police examined 11 witnesses and collected materials in support of the case of prosecution.



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8.It is further seen from the statement of the defacto complainant recorded under Section 161 (3) Cr.P.C. that he had reiterated the allegations made in the complaint and reaffirmed that the petitioner had threatened the him that he will upload the photographs showing him and the defacto complainant's wife in the social media network. The statement of defacto complainant's wife Mahalakshmi also shows that the petitioner had brainwashed her and had sexual relationship with her. Without her knowledge, petitioner had videographed their intimate relationship. Further, he demanded her to submit to his desire, else, he threatened her that he will publish the photographs in the social media network. The statement of the defacto complainant and his wife Mahalakshmi are enough to frame charges against the petitioner for the offences under Sections 354 C, 506 (i) IPC and Sections 67, 67A & 67C of Information Technology Act, 2000.

9.When All Women Police Station has jurisdiction to register all the crimes committed against women, investigate and file final report, this Court finds no merit in the submission of the learned counsel for the petitioner that All Women Police Station is incompetent to register, investigate and file final report in this case. Similarly, when the learned Government Advocate



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(Crl.Side) submitted that Section 65 B certificate has been filed along with the final report, this Court finds that the objection raised by the learned counsel for the petitioner in this regard cannot be sustained.

10.The learned counsel for the petitioner submitted that the telephone conversation between the petitioner and the wife of defacto complainant is not collected by the Investigation Officer. If that be the case, if the petitioner is in possession of the telephone conversation, it is open to the petitioner to produce the same before the Trial Court to substantiate his case.

11.In fine, this Court finds that the petition filed for quashing C.C.No.19 of 2022, on the file of the Addl.Mahila Metropolitan Magistrate's Court, Egmore, Chennai, has no merits and therefore, this criminal original petition is dismissed. Consequently, connected miscellaneous petitions are closed.

04.01.2023

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Internet:Yes
Index:Yes/No
Speaking/Non speaking order



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To:

- 1.The Addl.Mahila Metropolitan Magistrate's Court,
Egmore, Chennai.
- 2.The Inspector of Police,
W-7, All Women Police Station,
Anna Nagar, Chennai - 600 040.
- 3.The Public Prosecutor,
High Court of Madras.



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G.CHANDRASEKHARAN, J.
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