



Crl.O.P.(MD)No.1149 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 17.03.2023

Delivered on : **13.04.2023**

CORAM:

THE HONOURABLE MRS.JUSTICE **R.THARANI**

Crl.O.P.(MD) No.1149 of 2021

Krishnan

... Petitioner /Sole Accused

Vs.

1.The State represented by

The Inspector of Police,

Sanarpatti Police Station (L&O),

Sanarpatti, Dindigul District.

In Crime No.1009 of 2020) ... 1st respondent / Complainant

2.Andichamy

... 2nd respondent /defacto complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to the F.I.R in connection with Crime No.1009 of 2020, on the file of the first respondent police against the petitioner, under Section 294(b) I.P.C and Section 4 of Tamilnadu Prevention of Women Harassment Act and Section 67 of Information Technology Act, 2000 and to quash the same.



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For Petitioner : Mr.G.Gomathi Sankar

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

: Mr.K.R.Baduruszaman for R2

ORDER

This petition is filed to quash the F.I.R., in Crime No.1009 of 2020, on the file of the first respondent police.

2. The allegation against the petitioner is that there were some calls in the cell phone of the defacto complainant from strangers asking about the availability of his wife and they have stated that this phone number is available in share chat app under the head that “For sex with a lady contact this number”. On 19.09.2020, at about 4.00 pm., the petitioner abused the wife of the defacto complainant and the defacto complainant stating that both of them have to commit suicide as somany persons would have been calling her through the phone of her husband and he abused the complainant and his wife in filthy language. The petitioner's father and the father-in-law of the defacto complainant were having some land dispute. Since the defacto complainant was in support of his father-in-law, the petitioner with a motive to degrade the defacto



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complainant and his wife has displayed the cell phone number of the defacto complainant in the share chat app, under the caption that “for sex with a lady contact this number”.

3.1. On the side of the petitioner, it is stated that there is a counter case in Crime No.986 of 2020. The defacto complainant threatened the petitioner and his father to withdraw the case and threatened them, if the case was not withdrawn, they will be murdered. The petitioner's father filed a complaint before the respondent police and the respondent police did not consider the complaint. The petitioner's father filed a petition for police protection in Crl.O.P.(MD)No.13855 of 2020 and the same is pending, before this Court. Since the petitioner's father refused to withdraw the case against the defacto complainant's father-in-law, the defacto complainant made a false complaint against the petitioner.

3.2. The petitioner was studying in B.Sc (Botony), only to spoil the education of the petitioner, a false case was foisted against him. No offence was made out against the petitioner and he is now doing second year Law course. No *prima facie* case is made out against the



petitioner. The petitioner never displayed any obscene material in the social media. Cell phone was already recovered by the police. Wife of the defacto complainant was not the complainant and prayed the F.I.R to be quashed.

4. On the side of the prosecution, it is stated that there is a civil dispute between the petitioner's father and one Shantaram and that Shantaram is the father-in-law of the defacto complainant. There was some quarrel between the petitioner's father and Shantaram, on 06.09.2020, the said Shantaram filed a complaint in Crime No.986 of 2020. This petitioner posted a photo of the defacto complainant's wife under the caption that “if you want to have sex with this lady, you can contact this number”. Subsequently, the petitioner scolded the defacto complainant and his wife in the public place, inducing them to commit suicide. The allegation against the petitioner is serious in nature. Electronic records are recovered and the reports were filed against the petitioner and a trial is necessary and prayed the petition to be dismissed.

5. On the side of the second respondent, it is stated that due to previous enmity, the petitioner published the photograph of the wife of



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the defacto complainant with cell phone of the defacto complainant, under the caption “If you want to have sex with this lady, call this number” and this offence is against humanity and the offence is liable under Section 67 of Information Technology Act. If this type of cases are quashed at the threshold, it will lead to multi number of offences like this and prayed the petition to be dismissed.

6. It is seen that the investigation was over and charge sheet was ready to be filed. The offence alleged against the petitioner is serious in nature and the nature of offence needs a trial. There is no sufficient reason to quash the F.I.R., at the present stage. Hence, this Petition is dismissed.

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
Ls
To

13.04.2023

1. The Inspector of Police,
Sanarpatti Police Station (L&O),
Sanarpatti, Dindigul District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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R.THARANI. J.

Ls

Pre-delivery order made in
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