



Crl.O.P.No.6953 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.03.2024

CORAM

THE HON'BLE MR. JUSTICE C.V.KARTHIKEYAN

Crl.O.P.No.6953 of 2024

Earnest Thevathayalan

... Petitioner / Accused

Vs.

1.The State Rep. by
The Inspector of Police,
T-14, Mangadu Police Station,
Mangadu,
Chennai – 600 122.

... Respondent / Complainant

2.K.Monisha
Complainant

... Respondent / Defacto

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C prayed to call for the records relating to FIR in Crime No.887 of 2021 on the file of the 1st respondent and to quash the same.

For Petitioner : Mr. B. Nedunchezhiyan

For 1st Respondent : Mr. A. Gopinath
Government Advocate (Crl. Side)



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ORDER

This Criminal Original Petition has been filed seeking to call for the records relating to FIR in Crime No.887 of 2021 on the file of the 1st respondent and to quash the same.

2.A perusal of the facts, as stated, reveal that FIR in Crime No.887 of 2021 had been registered by the 1st respondent against the petitioner herein for the offences punishable under Sections 354 D, 509, 506(1) of IPC and Sections 43 and 66 of Information Technology Act, 2000.

3.The brief facts of the case are that, a complaint had been lodged by the defacto complainant before the 1st respondent that an obscene photo of her and another individual had been uploaded and circulated in the social media and in websites and that the photo of the defacto complainant had been morphed for such circulation in prohibited websites and WhatsApp groups. She claimed that her image had been tarnished and her future among her family and friends had been seriously affected. It is stated that this was done to spoil her relationship with the other individual. It is stated that during



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the course of investigation, the laptop and mobile phone of the petitioner herein had been seized by the 1st respondent and thereafter, it had been returned back to the petitioner.

4.The learned counsel for the petitioner stated that since the laptop and mobile phone had been returned back, it should be presumed that no offence is made out and that therefore the further proceedings in FIR in Crime No.887 of 2021 can be quashed and interfered with by this Court.

5.However, it is contended on behalf of the 1st respondent that two separate petitions had been filed namely, one to cancel the anticipatory bail granted to the petitioner herein and in the other, a direction was given to complete investigation and to file a final report.

6.Since that particular direction has been given, it would be extremely inappropriate, on the part of this Court, to interfere with the investigation process. It is also contended by the 1st respondent that investigation has been practically completed and within a reasonable period of time that the final report would be filed before the jurisdictional Court.



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7. Accordingly, a direction is given that the final report to be filed on before 30.05.2024 before the jurisdictional Court after following due procedure of the investigation.

8. The petitioner may workout his remedy on issuance of summons by the learned Judicial Magistrate and take recourse to the appropriate provision under the Code of Criminal Procedure.

9. Observing as above, this Criminal Original Petition stands dismissed.

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Index	: Yes / No
Neutral Citation	: Yes / No
Speaking Order	: Yes / No



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To,

1. The Inspector of Police,
T-14, Mangadu Police Station,
Mangadu,
Chennai – 600 122.

2.The Public Prosecutor,
High Court of Madras.

C.V.KARTHIKEYAN, J.



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