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CrI.O.P.No.18814 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.10.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

CrI.O.P.No.18814 of 2024
& CrI.M.P.No.11116 of 2024

S.Vignesh.

... Petitioner/Sole Accused
/versus/

1. The Inspector of Police,
CCPS-North Zone (Cyber Crime),
Greater Chennai,
Vepery, Chennai.
Crime No.55/2024

2. L.Kavitha.

... Respondents/defacto Complainant

Prayer: Criminal Original Petition is filed under Section of 482 Cr.P.C.,
pleaded to call for the records in respect of the impugned FIR in Crime No.55 of
2024 dated 18.03.2024 on the file of Inspector police, CCPS-North Zone (Cyber
Crime) Greater Vepery, Chennai and consequentially quash the same.

For Petitioner : Mr.J.Ramesh.

For R1 : Mr.K.M.D.Muhilan,
Government Advocate (CrI.Side)

For R2 : Mr.C.Siva Kumar.



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ORDER

This Criminal Original Petition is filed to quash the complaint in Crime No.55 of 2024, for offences under Section 509 of I.P.C and 67 of Information Technology Act.

2. The Learned Counsel for the petitioner states that the defacto complainant and the accused petitioners are related to each other and for sending 'Hai' message in the Instagram, complaint been registered. Now, the defacto complainant herself has come forward to withdraw the complaint and filed consent affidavit and therefore, complaint has to be quashed.

3. The Learned Government Advocate (Crl.Side) appearing for the 1st respondent police states that, on completion of investigation, police has filed final report and taken on file by the XI Metropolitan Magistrate, Saidapet, Chennai, in C.C.No.2074 of 2024.

4. This Court is of the view that, if the defacto complainant was really interested in withdrawing the complaint, she should have approached the police to whom she had given the complaint and sought for withdrawal. Having



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failed, the present consent affidavit which is filed before this Court cannot be taken into consideration after completion of investigation by the police and filing the final report culminating in taking cognizance by the XI Metropolitan Magistrate, Saidapet, Chennai.

5. With the above observations, this Criminal Original Petition is disposed of with liberty to the petitioner herein to approach the trial Court for appropriate remedy. Consequently, connected Miscellaneous Petition is closed.

19.10.2024

Index : Yes/No

Neutral Citation : Yes/No

bsm

To:-

1. The Inspector of Police,
CCPS-North Zone (Cyber Crime),
Greater Chennai,
Vepery, Chennai.

2. The Public Prosecutor, High Court, Madras.



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Dr.G.JAYACHANDRAN, J.

bsm

Crl.O.P.No.22510 of 2024

19.10.2024