



CrI.O.P.(MD)No.4909 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.12.2024

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CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CrI.O.P.(MD) No.4909 of 2023

and

CrI.M.P.(MD).No.4323 of 2023

Akshykrishnan @ Vinoth

... Petitioner / Accused No. 1

Vs.

1.State of Tamil Nadu,
The Inspector of Police,
CCD-III,
Tuticorin District.
(Crime No.11 of 2021)

... 1st Respondent / Complainant

2.Sharmila

... 2nd Respondent /
Defacto Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of the code of Criminal Procedure, to call for the records relating to the proceedings of charge sheet in C.C.No.51 of 2023 pending before the learned Judicial Magistrate No.IV, Tuticorin and quash the same as far as the petitioner / accused no.1 herein.

For Petitioner : Mr.G.Mariappan

For R1 : Mr.A.Albert James,
Government Advocate
(Criminal Side)

For R2 : M/s.Seeni Syed Amma
for M/s.Lajapathi Roy Associates



ORDER

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This petition has been filed to quash the proceedings pending in C.C.No.51 of 2023 on the file of the learned Judicial Magistrate No.IV, Turicorin.

2. Heard the learned counsel on either side and perused the materials placed on record.

3. The 2nd respondent gave a complaint against the petitioner stating that her elder son was married one Swetha in the year 2020. There was some difference of opinion between them and as a result, an attempt was made to resolve the dispute amicably and such attempt failed. While so, the petitioner, who is the brother of the said Swetha, posted a social media message demeaning and outraging the 2nd respondent. Apart from that, the petitioner along with his father also trespassed into the property and abused the 2nd respondent in filthy language and threatened her with dire consequences. This propelled the 2nd respondent to give the complaint before the police.

4. The 1st respondent registered an FIR in Crime No.11 of 2021 for offence under Section 4 of TNPHW Act, Section 354(D), 506(i) and



294(b) of IPC and Section 67 of the Information Technology Act. The FIR was registered against the petitioner and his father.

5. During the course of investigation, an alteration report was filed and the offence under Section 4 of the TNPHW Act, Section 354(D) and 506(i) of IPC were deleted and the investigation was proceeded with only for the offence under Section 294(b) of IPC and Section 67 of Information Technology Act. On completion of investigation, the police report was also filed before the learned Judicial Magistrate No.II, Thoothukudi. In the police report, the name of A2 viz., the father of the petitioner was also dropped and the final report was filed only as against the petitioner. The learned Magistrate took cognizance of the offence and issued process to the accused person. Aggrieved by the same, the present quash petition has been filed before this Court.

6. Even though various submissions were made on either side touching upon the merits of the case and also the sustainability of the charges against the petitioner, this Court wants to take into consideration the apology that was tendered by the petitioner through social media during the pendency of the anticipatory bail petition.



7. The petitioner apprehended arrest and therefore filed an anticipatory bail petition in Crl.OP(MD).No.13974 of 2021. During the pendency of the anticipatory bail petition, this Court suggested that the petitioner and his father can tender their apology in social media. On such advice given by the Court, an apology was tendered in the social media as follows:-

“ I wanted to apologise for my recent comments under the posts of Mr.Rishiravishing and family. I am sincerely sorry for any hurt and sorrow caused on the account of my comments and ensure that no such behaviour will be repeated from my side ever again.”

8. Considering the apology message that was posted in the social media, this Court was also pleased to grant anticipatory bail to the petitioner and his father by an order dated 24.09.2021.

9. In the considered view of this Court, the above apology must also bring to an end the present dispute that is pending before the Court below. There was some misunderstanding between the families and in the spur of the moment, a damaging message was posted in the social media.



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Ultimately, the petitioner has also tendered his apology by posting a message in the social media. The same can be taken into consideration by this Court to bring to an end the criminal proceedings. By making the parties undergo trial, the present situation will only be aggravated and it will not enure to the interest of both the petitioner as well as the 2nd respondent.

10. In the result, the proceedings in C.C.No. 51 of 2023 pending on the file of the learned Judicial Magistrate No.IV, Tuticorin, is hereby quashed by recording the apology tendered by the petitioner through social media and accordingly, this Criminal Original Petition stands allowed. Consequently, the connected miscellaneous petition is closed.

12.12.2024

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

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1. The Judicial Magistrate No.IV,
Tuticorin.
- 2.The Inspector of Police,
CCD-III,
Tuticorin District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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N.ANAND VENKATESH. J.

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