

CrL.R.C.(MD)No.620 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.07.2025

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

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C.Seenivasan

... Petitioner

-VS-

1.Catherin Leena

2.State represented by,
The Inspector of Police,
All Women Police Station,
Oothumalai, Tenkasi District.

... Respondents

PRAYER : Criminal Review Case filed under 438 r/w. 442 of BNSS, 2023, to call for the records pertaining to the order passed in CrL.M.P.No.4491 of 2024 dated 24.02.2025, by the learned Judicial Magistrate, Alangulam and set aside the same as illegal and consequently direct the second respondent to register the case against the 1st respondent based on the petitioner's complaint dated 29.08.2024.

For Petitioner : Mr.M.Maran
For 2nd Respondent : Mr.M.Sakthi Kumar,
Government Advocate (CrL.)

ORDER

This Criminal Revision Case is filed, challenging the order dated 24.02.2025 passed by the learned Judicial Magistrate, Alangulam, in CrL. M.P.No.4491 of 2024, whereby the Petition filed under Section 175(3) of



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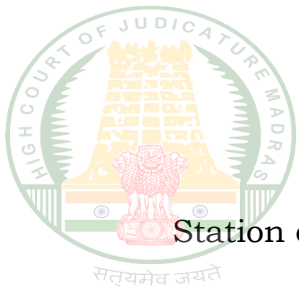
BNSS, 2023, was dismissed for want of jurisdiction.

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The facts in brief are as follows:-

2.The petitioner's daughter, S.Chellathangam (born on 21.08.2007), was studying in XII Standard at Oothumalai Government Higher Secondary School during 2023 – 2024 and is currently pursuing B-Pharm at Annamalai University, Chidambaram. On 23.07.2024, one Saravanan, residing at Vadakkuvaachelvikoil Street, informed the petitioner that the first respondent, a Teacher at the said school, had sent through WhatsApp (No.7708496807 to 8011271600) a photograph depicting the petitioner's daughter in an allegedly compromising posture with her classmate, Sanjay Kumar and threatened to circulate it further, if the petitioner's interference in school affairs continued. The petitioner who received the photograph, was distressed and as a Parent-Teacher Association Executive Member, inquired of his daughter, who averred that the photograph was taken innocently and that no improper relationship existed. Feeling aggrieved by the first respondent's conduct, which allegedly violated Sections 67B(a), (b), (c), (d) and (e) of the Information Technology Act, 2000, the petitioner lodged following multiple complaints:-

- a. Complaint to the District Collector ;
- b. CSR receipt No.741 of 2024 at Oothumalai Police Station ;
- c. Online complaint at the Cyber Crime Police Station on 28.08.2024;
- d. CSR receipt No.479 of 2024, at Alangulam All Women Police



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Station on 29.08.2024;

e. CSR receipt No.2424 of 2024 to the Superintendent of Police.

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Submissions : -

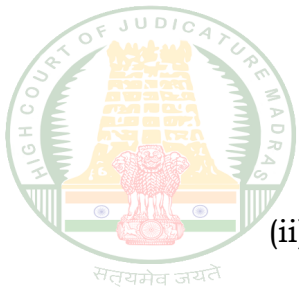
3.The learned counsel appearing for the petitioner submitted that the learned Magistrate erred in law by declining to take cognizance of the offences committed by the first respondent, who in his submission, had maliciously circulated the intimate photograph in violation of the Information Technology Act.

4.The learned Government Advocate (Crl.) appearing for the second respondent contended that the first respondent acted *bona fide* in her capacity as a Teacher to safeguard the student's welfare, sharing the information with a known person of the petitioner, without any malicious intent.

5.Heard the learned counsel on either side and carefully perused the materials available on records.

6.The first respondent appeared before this Court in person and filed a sworn affidavit stating that:-

(i)She transmitted the photograph only to Saravanan, a karate instructor known to the petitioner;



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(ii)She acted solely in her official capacity to protect the welfare of the student;

(iii)She harboured no malicious intent and undertook not to repeat such conduct.

Consideration :-

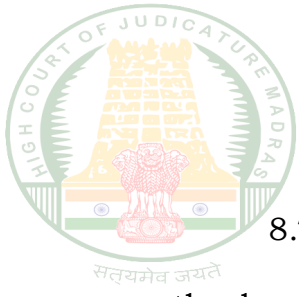
7.1.Jurisdiction:- Section 175(3) of BNSS, 2023, empowers the learned Magistrate to direct registration of offences under the BNSS, upon complaint. The learned Magistrate's finding that it lacked jurisdiction is not supported by statutory mandate, as the subject offences under the Information Technology Act (Sections 67B(a), (b), (c), (d), (e)), 2000, are cognizable.

7.2.Malafide and Public Interest:- The affidavit of the first respondent reflects *bona fide* conduct in the interest of student welfare and there is no material to *prima facie* demonstrate malice.

7.3.Abuse of Process:- The petitioner, having invoked multiple authorities to seek redress without success, ought not be penalized. However, continuous lodging of complaints in absence of *malafide* raises concern of harassment.

In the result:-

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8.The order dated 24.02.2025, passed in CrL.M.P.No.4491 of 2024 by the learned Judicial Magistrate, Alangulam, is upheld inasmuch as the Petition under Section 175(3) of BNSS, 2023, was dismissed only on technical jurisdiction. No interference is called for, in view of the first respondent's affidavit of *bonafide*. The petitioner is warned against filing unnecessary or vexatious petitions against the teaching staff of Oothumalai Government Higher Secondary School in future, more particularly, the 1st respondent Teacher. The first respondent shall continue to discharge her duties in the best interests of the students without apprehension. This Criminal Revision Case stands dismissed. No costs.

01.07.2025

NCC :Yes/No
Index :Yes/No
Internet : Yes
Mrn

To

- 1.The Judicial Magistrate, Alangulam.
- 2.The Inspector of Police,
All Women Police Station,
Oothumalai, Tenkasi District



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L.VICTORIA GOWRI, J.

Mrn

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