



Crl.O.P.(MD) No.16399 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.10.2025

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD) No.16399 of 2024

and

CrI.M.P.(MD) No.10318 of 2024

1.Syed Abubacker Badhusha

2.Haji Syed Hussain @ Sottai

... Petitioners/A2 & A3

Vs.

1.State through
The Inspector of Police,
All Women Police Station,
Keelakarai,
Ramanathapuram District.
(In Crime No.10 of 2020)

2.Chinna Ponnu @ Hathijathul Amaniya

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Code of Criminal Procedure, 1973/Section 528 of Bharathiya Nagarik Suraksha Sanhita, 2023, to call for the records relating to the Charge Sheet in C.C.No.124 of 2024 on the file of the Judicial Magistrate (Additional Mahila Court), Ramanathapuram and quash the same sofaras the petitioners/A2 and A3 are concerned.



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For Petitioners : Mr.J.Barathan

For R1 : Mr.R.Meenakshi Sundaram (for R1)
Additional Public Prosecutor

Mr.B.Muthukarthikeyan (for R2)

ORDER

This Criminal Original Petition has been filed to quash the final report in C.C.No.124 of 2024 on the file of the Judicial Magistrate (Additional Mahila Court), Ramanathapuram, filed by the first respondent police for offences punishable under Sections 417, 354(C), 506(i) r/w Section 34 of IPC and Section 67(A) of Information Technology Act, 2000.

2.The allegation in the impugned final report is that A1 was working in an internet cafe; that the defacto complainant became friendly with him; that A1 during that relationship had taken inappropriate pictures of the defacto complainant; that thereafter, A1 had threatened the defacto complainant that he would circulate the pictures in social media, if she did not pay money; that thereafter, A1 had transferred the pictures to A4, who had inturn sent it to certain persons through Whatsapp; that the petitioners



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are the owners of the internet cafe; and that they also had common intention to commit the aforesaid offence.

3.Mr.J.Barathan, learned counsel appearing for the petitioners would submit that the allegations in the impugned final report even if it is accepted to be true would not constitute the offences under Sections 354(c) and 506(i) r/w 34 of the IPC; that there is nothing in the final report to show that the petitioners had abetted or knew the alleged offence said to have been committed by A1 or A4; that A1 had a relationship with the defacto complainant and it was a private affair; and that the petitioners cannot be prosecuted on the basis of the allegations.

4.Heard the learned counsel for the defacto complainant, who is unable to point out any material as against the petitioners for prosecuting them for the aforesaid offences.

5.Heard the learned Additional Public Prosecutor, who would submit that when the defacto complainant came to know of the sending of pictures in Whatsapp, and approached the petitioners, they had abused her.



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6.The allegation is that A1 had taken inappropriate pictures and sent to A4, who inturn had sent it through Whatsapp to certain persons. There is nothing in the final report to suggest as to whom the said Whatsapp message was sent by A4. Be that as it may. The petitioners even according to the prosecution were not involved in the alleged taking of the pictures or spreading it through Whatsapp. The only allegation is that the petitioners had abused the defacto complainant when she approached the petitioners.

7.This Court is of the view that the allegation with regard to abuse is also vague. In any case, that allegation is not enough to prosecute the petitioners for the offence under Sections 354(c) and 506(i) r/w 34 of the IPC, as common intention cannot be inferred on such allegation. Hence, the impugned prosecution against the petitioners is abuse of process of law.

8.Accordingly, the impugned charge sheet in C.C.No.124 of 2024 on the file of the Judicial Magistrate (Additional Mahila Court), Ramanathapuram, is quashed in respect of the petitioners alone and the



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Criminal Original Petition stands allowed. The learned Magistrate may proceed with the case as against the other accused, without being influenced by any of the observations made in this order. Consequently, the connected Criminal Miscellaneous Petition is closed.

30.10.2025

vsg

Index: Yes/ No

Neutral Citation: Yes / No

Speaking Order/Non-Speaking Order

Copy To:

- 1.The Judicial Magistrate (Additional Mahila Court), Ramanathapuram.
- 2.The Inspector of Police,
All Women Police Station,
Keelakarai,
Ramanathapuram District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SUNDER MOHAN, J.

vsg

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