



CrI.O.P(MD).No.22911 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 30.07.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

CrI.O.P(MD).No.22911 of 2023
& CrI.M.P(MD).No.17904 of 2023

Mr.R.Natraj,
Former DGP/Ex.MLA
S/o.Late Ramachandran,
H-9/1, Kambar Street, Kalakshetra Colony,
Besant Nagar, Chennai. ... Petitioner/Sole Accused

/versus/

1. The Inspector of Police,
Cyber Crime Department-III,
Subramanipuram, Near Armed Police Campus,
Ramanathapuram Road,
Trichy – 620 020. ... 1st Respondent/Complainant

2. Sheela,
W/o.Ayyappan,
No.22A, Cholagar Nagar,
Karumandapam, Trichy-1 ... 2nd Respondent/Defacto Complainant

Prayer: Criminal Original Petition has been filed under Section 482 of Cr.P.C., to call for the records pertaining to FIR in Crime No.31 of 2023 on the file of Inspector of Police, CCD-III, Trichy, under Section 153, 153A, 504, 505(1)(b), 505(1)(c), 505(2) of I.P.C and Section 66 D of Information Technology (Amendment Act) 2008 and quash the same.



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For Petitioner : Mr.B.Kumar, Senior Counsel,
for Mr.Govind Chandrasekar

For R1 : Mr.P.S.Raman, Advocate General,
Assistant by,
Mr.R.Muniyapparaj,
Additional Public Prosecutor.

For R2 : Mr.G.Prabhakaran

ORDER

The petitioner herein is the Former Director General of Police, State of Tamil Nadu. F.I.R No.31 of 2023 dated 24.11.2023 was registered by the Inspector of Police, CCD-III, Trichy against the petitioner on the complaint given by one Sheela for the alleged offence under Section 153, 153A, 504, 505(1)(b), 505(1)(c), 505(2) of I.P.C and Section 66 D of Information Technology (Amendment Act) 2008.

2. The sum and substance of the complaint is that the petitioner has forwarded a message in a whatsapp group, namely PDP which consist of 73 members about a statement purported to have been made by M.K.Stalin, the present Chief Minister of Tamil Nadu. In the complaint, it has been stated that the said message forwarded with intention to create enmity and ill will between two groups.



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3. The present petition is filed under Section 482 of Cr.P.C., to quash the said complaint stating that the message allegedly forwarded by the petitioner was only to internal whatsapp group. The complainant/Sheela is not the recipient of the message. Without taking action against the person who has created and circulated the offensive message, the petitioner been falsely implicated, as if he has sent the message to the whatsapp group.

4. This Court, on considering the above submission granted interim stay and ordered notice to the defacto complainant and the State.

5. Today, when the matter taken up for consideration, the petitioner has filed an affidavit regretting for the conduct of accusation made against him and he has recorded his regards to Mr.M.K.Stalin, Chief Minister of Tamil Nadu in unequivocal terms. Further, he has stated that, he will not subscribe or endorse to the alleged message in any manner whatsoever.

6. The Learned Advocate General appearing for the State submitted that if the petitioner honestly regret for his conduct, then the State will not prosecute against him, provided, the petitioner circulate the copy of his affidavit to the group in which the offensive message was forwarded earlier in his name.



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7. The Learned Senior Counsel appearing for the petitioner states that though the petitioner disowns the allegation of forwarding the said offensive message, since message has caused unwanted repercussions, he will circulate the affidavit sworn by him on 30.07.2024 in the whatsapp group in which the offensive message purportedly forwarded in his name.

8. The Learned Counsel appearing for the complainant submits she will be satisfied, if the petitioner forwards the affidavit copy in the whatsapp group in which the offensive message purportedly forwarded in his name and the defacto complainant she has no objection for the Court to quash the complaint.

9. Recording the affidavit of the petitioner and the submissions made by the Learned Advocate General on behalf of the State, this Criminal Original Petition is allowed.

10. The F.I.R No.31/2023 on the file of the Inspector of Police,



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CCD-III, Trichy stands quashed. The copy of the affidavit filed in this Court to

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midnight and report compliance to the Investigating Office for record purpose.

Consequently, connected Miscellaneous Petition is closed.

30.07.2024

Index : Yes/No.

Neutral Citation : Yes/No.

bsm

Copy to:-

1. The Inspector of Police, Cyber Crime Department-III,
Subramaniyapuram, Near Armed Police Campus,
Ramanathapuram Road,
Trichy – 620 020.
2. The Public Prosecutor, High Court, Madras.

Issue Today



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Dr.G.JAYACHANDRAN,J.

bsm

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