

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE ZIYAD RAHMAN A.A.

THURSDAY, THE 13TH DAY OF OCTOBER 2022 / 21ST ASWINA, 1944

CRL.MC NO. 5818 OF 2022

CRIME NO.1145/2021 OF THODUPUZHA POLICE STATION, IDUKKI

PETITIONER/DEFACTO COMPLAINANT:

MANU SURESH
AGED 26 YEARS
S/O MATHEW, KALLUMPLACKEL VEEDU, CHENNAMKODU KARA,
KODIKULAM VILLAGE, THODUPUZHA, IDUKKI, PIN - 685582

BY ADVS.
JOHNSON GOMEZ
S.BIJU (KIZHAKKANELA)
SANJAY JOHNSON
JOHN GOMEZ

RESPONDENT/STATE:

STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, PIN - 682031

BY ADV

ADV SREEJA V -SR PP
ADV M P PRASHSNATH-PP

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
13.10.2022, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER

The petitioner is the defacto complainant in Crime No.1145/2021 of Thodupuzha Police Station which was registered for the offences punishable under Sections 378 and 294(b) of Indian Penal Code, Section 67 of Information Technology Act and Section 120(o) of Kerala Police Act, 2011.

2. The prosecution case is that from 10.02.2021 onwards the accused with the intention of defaming the complainant created his fake profile in the Facebook using a profile picture of his Facebook account and using the said fake profile, made derogatory and obscene posts and thereby committed the offence. Nobody was named as the accused persons, while registering the First Information Report. Now the investigation is ongoing and the petitioner wants to quash the aforesaid proceedings as he is no longer interested in prosecuting the matter.

3. Heard Sri.Johnson Gomez, learned counsel appearing for the petitioner and Smt.Sreeja V., learned Public Prosecutor for the State.

4. When this Crl.M.C. came up for consideration, the

learned Public Prosecutor submitted that, now a report has been submitted the learned Magistrate deleting Section 67 of the Information Technology Act and Section 378 of Indian Penal Code.

On perusal of the records, it can be seen that, the contents of Annexure A2 final report would reveal only allegations which are very personal in nature. Therefore, when the defacto complainant himself comes forward and submits that, he is no longer interested in the matter, I do not find any justification in allowing the continuation of the investigation. In such circumstances, this Crl.M.C. is allowed and all further proceedings pursuant to Annexure A1 First Information Report in Crime No.1145/2021 of Thodupuzha Police Station are hereby quashed.

Sd/ -

**ZIYAD RAHMAN A.A.
JUDGE**

APPENDIX OF CRL.MC 5818/2022

PETITIONER ANNEXURES

Annexure A1	A TRUE COPY OF THE FIR IN CRIME NO. 1145 OF 2021 OF THODUPUZHA POLICE STATION IN IDUKKI DISTRICT
Annexure A2	A TRUE COPY OF THE FIR NO. 83 OF THE KOODAL POLICE STATION OF PATHANAMTHITTA DISTRICT
Annexure3	A TRUE COPY OF THE AFFIDAVIT BY THE PETITIONER DATED 20.06.2022 SWORN BEFORE THIS HON'BLE COURT