

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE S.S.SATHEESACHANDRAN

THURSDAY, THE 8TH DAY OF NOVEMBER 2012/17TH KARTHIKA 1934

Crl.MC.No. 2971 of 2012 ()

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FIR NO.122/2012 OF THE CHERANALLOOR POLICE STATION, ERNAKULAM DISTRICT.

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PETITIONER(S)/ACCUSED:-:

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DR.V.SUDHAKAR, AGED 34 YEARS  
S/O.SOMASUNDARAM, VADALAKUNTA(P), GOPALAPURAM (M)  
WEST GODAVARI DISTRICT, PIN - 534 316.

BY ADV. SRI.T.R.RAJAN

RESPONDENT/THE PUBLIC PROSECUTOR & COMPLAINANT(S):

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1. THE STATE OF KERALA,  
REPRESENTED BY THE PUBLIC PROSECUTOR.  
HIGH COURT OF KERALA, ERNAKULAM- 682 031.
2. DR.CHANDRASEKHAR JANAKIRAM,  
PROFESSOR AND HEAD, AMRITA SCHOOL OF DENTISTRY  
AMRITA INSTITUTE OF MEDICAL SCIENCES, EDAPALLY  
KOCHI, PIN - 682 041.

R1 BY PUBLIC PROSECUTOR SRI.R.RANJITH  
R2 BY ADV. SMT.O.H.NAZEEBA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON  
08-11-2012, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

tss

CRM.C. NO.2971/2012

**APPENDIX**

**PETITIONER'S ANNEXURES**

**A1:- COPY OF THE FIR NO.122 DTD. 22.1.2012 OF THE CHERANALLOOR POLICE STATION, ERNAKULAM DISTRICT.**

**A2:- COPY OF THE COMMUNICATION SENT BY THE PETITIONER TO THE 2ND RESPONDENT.**

**RESPONDENT'S ANNEXURES**

**NIL**

**//TRUE COPY//**

**P.A. TO JUDGE**

**tss**

**S.S.SATHEESACHANDRAN, J.**

**Crl.M.C No.2971 OF 2012**

**Dated this the 8<sup>th</sup> day of November, 2012**

**ORDER**

Petitioner is the accused in a crime registered as Crime No.122 of 2012 of Cheranalloor Police Station for the offence punishable under Section 66A of the Information Technology Act, 2000, for short, 'the IT Act'. He has filed the above petition to quash the F.I.R in the crime and further proceedings thereof exercising the inherent powers of this court contending that it is an abuse of process of the court. Petitioner is a medical practitioner in the field of Dentistry. When an election process commenced over the selection of office bearers of a body consisting of dentists, namely Indian Association of Public Health Dentistry, petitioner published through e-mail his comments over the qualifications/disqualification of some of the candidates who contested to the offices of that body. He was also one among the candidates. With respect to the comments made against one of

the candidates in such publication, a complaint was given by that candidate to the police and that gave rise to the registration of the crime. With the petition, petitioner has produced an affidavit sworn to by the de facto complainant, who is also another dentist, stating that he has no further grievance in the matter. At the time of hearing, it is submitted by the learned counsel for the petitioner that he is a student of the de facto complainant. The de facto complainant is also represented by a counsel who also states that at this stage he has no complaint nor any intention of prosecuting the petitioner on the basis of Annexure A1 F.I.R registered in the crime. The offence imputed against the petitioner, it is seen, even if any indictment after investigation is made, is compoundable under Section 77A of the IT Act. Taking into account the composition made by the de facto complainant and also the circumstances as indicated above, exercising the inherent powers of this court, Annexure A1 F.I.R in Crime No.122 of 2012 of Cheranalloor Police Station and all further

proceedings thereof against the petitioner are quashed, under Section 482 of the Code of Criminal Procedure.

Petition is disposed of.

vdv

**S.S.SATHEESACHANDRAN, JUDGE**