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# TECHNOLOGY INSIGHT

Hon'ble Bombay High Court Upholds the FIR for allegations of harassment  
through E-mail.

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**Hon'ble Bombay High Court Upholds the FIR for allegations of harassment through E-mail.**

In the case of Joseph Paul De Souza v The State of Maharashtra in Criminal WP. 3480 of 2011, the petitioner sought quashing of FIR registered with the Cyber Cell for offence under S.354,509 & 506(2) of IPC and section 67 of IT Act and quashing of FIR pending before the magistrate, regarding the claims that the petitioner sent her multiple defamatory and threatening emails from February to March 2009, containing vulgar and obscene language that outraged her modesty. Following these incidents, she filed a written complaint to the Cyber Crime Investigation Cell in August 2009, leading to the registration of an FIR against the petitioner.

Ld. Counsel for the Petitioner contended that emails may be distasteful but they do not constitute an offense & highlights that there is a history of animosity between the petitioner and respondent, suggesting the FIR was filed out of personal vendetta rather than legitimate grievance. The delay in lodging the FIR, absence of assault, and lack of intent hinder applicability of IPC sections.

Ld. Counsel for respondent stated that the e-mail by the petitioner circulated contained false & derogatory information about his personal life and family and denied allegations of animosity for filling FIR but that the complaint stemmed from genuine threats and lewd communication intended to outrage her modesty.

The Hon'ble Bombay HC examined upon the issue of privacy and dignity in relation to electronic communications, highlighting how intrusions can violate individual rights under section 509 and section 67 of the IT Act in which insult can

manifest as an intrusion upon women's privacy and sharing such details of the respondent with third persons, especially the residents of the same society who she is likely to see frequently and without her consent is an affront to her personal dignity.

The court held that offenses under section 509 of IPC and section 67 of The IT act were made out. The intention to outrage her modesty is facilitated by way of transmission by e-mail through electronic device, but not for section 354 and 506(2) of IPC. The court urged expedited trial proceedings due to the respondent's advanced age, underscoring the importance of timely justice in such matters.



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