



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.09.2016

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THE HONOURABLE DR.JUSTICE S.VIMALA

Crl.O.P. (MD) .No.16151 of 2016 and
Crl.M.P. (MD) Nos.7839 & 7840 of 2016

1. India Growth Fund,
Through its Trustee,
M/s.Kotak Mahindra Trusteeship Services Ltd.,
6th Floor, No.27-BKC, Plot No.C-27, Block No.G,
Bandra Kurla Complex, Bandra East,
Mumbai-400 051.
Rep. by its Authorised Signatory.
 2. M/s.Kotak Mahindra Trusteeship Services Ltd.,
Regd. Office: 6th Floor, No.27-BKC,
Plot No.C-27, Block No.G,
Bandra Kurla Complex, Bandra East,
Mumbai-400 051.
Rep. by its Authorised Signatory
- ... Petitioners

-Vs-

M/s.Paramount Textile Mills Pvt. Ltd.,
Rep. herein by its Director,
Mr.E.Thangapandi, S/o.Mr.Esakiapillai,
Regd. Office: Thirali Thirumangalam,
Madurai-625 706.

... Respondent/Complainant

Prayer: Petition filed under Section 482 of the Code of Criminal Procedure to call for the records in C.C.No.141 of 2016 on the file of the Hon'ble Judicial Magistrate II, Madurai filed against the petitioners for alleged offence under Sections 499, 500 and 501 of IPC and quash the said complaint in respect of the petitioners / A1 and A2 as being an abuse of process of law, untenable in the facts and circumstances.

For Petitioners : Mr.V.Veerapandian
For M/s.Vastlaw Associates

For Respondent : Mr.M.P.Senthil

**ORDER**

The respondent herein has filed a private complaint against the petitioners and other accused in pursuance of the letter dated 16.12.2015, alleging that the letter amounted to defamation. Learned Judicial Magistrate II, Madurai has taken cognizance of the said complaint in C.C.No.141 of 2016 under Sections 499, 500 and 501 IPC, which is sought to be quashed in this petition.

2. Learned counsel for the petitioners herein has filed an affidavit on behalf of the petitioners stating that while issuing the letter dated 16.12.2015, there was no intent on the part of the petitioners to harm or malign the reputation of anybody, much less the respondent company. The petitioners have also expressed remorse over their conduct and have stated that in order to give quietus to the issue and avoid multiplicity of the proceedings, they have already withdrawn the said letter.

3. Learned counsel for the respondent expressed his concurrence for quashing of the said private complaint.

4. Taking into account the fact that no useful purpose would be served in keeping the matter pending, this Court can safely infer that the chances of the defacto complainant deposing against the petitioners is less and therefore, the chances of conviction of the accused is bleak. Therefore, this Court is of the view that quashing of the **Calendar Case (C.C.)** will be in the ends of justice and accordingly, the same is ordered to be quashed.

5. In the result, this Criminal Original Petition is allowed and the entire proceeding in C.C.No.141 of 2016 pending on the file of learned Judicial Magistrate II, Madurai **(*)against all the accused** is hereby quashed. The affidavit filed by the petitioners shall form part of this order. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

**(*)Amended as per order dated 04/10/2016
in CrI.OP(MD)No.16151/2016.**

Sd/

Assistant Registrar(AS)

/TRUE COPY/

Sub Assistant Registrar

To:

Amended to the order already despatched on 21/09/2016.

The Judicial Magistrate II, Madurai.

+2cc to M/s.Vast Law Association SR.No.58658

+1cc to Mr.M.P.Senthil, Advocate SR.No. 49473

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