

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.04.2017

CORAM

The Hon'ble Mr.Justice C.T.Selvam

CRL.OP.No.10256 of 2012

and

M.P.No.1 of 2012

G.Murugesan

... Petitioner

Vs.

Palanisamy

... Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure to call for the records pending on the file of the Judicial Magistrate Court VI, Coimbatore, in C.C.No.636 of 2011 and to quash the same.

For Petitioner : Mr.S.Chandrasekar

For Respondent : No appearance

O R D E R

This Criminal Original Petition has been filed, seeking to quash the proceedings initiated against the petitioner, in C.C.No.636/2011, on the file of the learned Judicial Magistrate VI, Coimbatore.

2. Heard learned counsel appearing for the petitioner and also perused the complaint lodged by the respondent. Though the respondent has been served, he has not appeared either in person or through counsel. This Court proceeds to dispose of this petition on merits.

3. The facts, leading to the filing of this Petition are as follows:-

The respondent/complainant is a retired Principal of the Government Polytechnic College, Peelamedu, Coimbatore, where, the petitioner was the Physical Director. They were at loggerheads. On 01.06.2011, the day next to respondent's retirement, the son of the respondent/complainant, by name, Karthikeyan, went to the College for Tennis practice, when he was restrained by the petitioner, humiliated in the presence of other players and was asked to go back home, without the knowledge of the Tennis Coach. When the position was brought to the knowledge of the respondent/complainant, he caused a legal notice, dated 02.06.2011, to which, the petitioner caused a reply, dated 10.06.2011, levelling allegations against the respondent.

4. Reference to the reply caused by the petitioner reveals that which might perse be considered defamatory. However, in the complaint respondent has informed the publication thereof as through reading of the petitioner's reply by his friends who were at his residence. It therefore follows that the publication of defamatory matter was at the instance of the respondent/complainant.

In such circumstances, no prosecution for offence u/s. 499 would lie. This Criminal Original petition is allowed. The proceedings initiated against the petitioner in C.C.No.636/2011, on the file of the learned Judicial Magistrate VI, Coimbatore, is quashed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

1. The Judicial Magistrate No.VI,
Coimbatore.

2.The Section Officer,
Criminal Section,
High Court, Madras-104.

CRL.OP.No.10256 of 2012
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GMR(CO)
sm:18.12.2017

सत्यमेव जयते

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