



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.11.2017

CORAM:

THE HONOURABLE MR. JUSTICE **S.S.SUNDAR**

CRL.OP. (MD) No.13873 of 2017

WEB COPY

M.Mathan

... Petitioner

Vs.

1.The Superintendant of Police,
Tirunelveli,
Tirunelveli District.

2.The Inspector of Police,
Radhapuram Police Station,
Radhapuram,
Tirunelveli District.

... Respondents

PRAYER: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, praying to direct the respondents particularly the second respondent to register the petitioner's complaint dated 13.09.2017 after holding preliminary enquiry and then to proceed further in accordance with law on the petitioner's complaint.

For Petitioner : Mr.S.Palani Velayutham

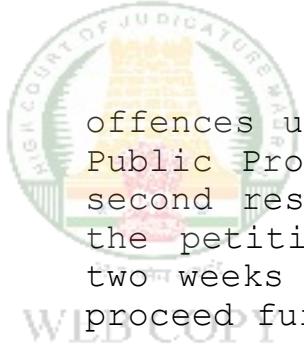
For Respondents :Mr.K.S.Durai Pandian

Additional Public Prosecutor

ORDER

The Criminal Original Petition is filed to direct the respondents, particularly the second respondent to register the petitioner's complaint dated 13.09.2017 after holding preliminary enquiry and then to proceed further in accordance with law on the petitioner's complaint.

2.Today, when the matter is taken up for hearing, the learned Additional Public Prosecutor, produced a closure report stating that the complaint is not sustainable in law. The reason stated in the closure report is that a complaint for defamation can be entertained only as a private complaint under Defamation Act or Tort Act. The reason is unsustainable. The reference to non-existing statute shows non application of mind. The statement found in the complaint as well as the messages that are shared by the proposed accused in Facebook are *prima facie* defamatory against the de-facto complainant and hence the complaint cannot be closed as not maintainable.



offences under Sections 499 and 500 IPC, the learned Additional Public Prosecutor, now withdraws the closure report filed by the second respondent. The second respondent is directed to register the petitioner's complaint dated 13.09.2017, within a period of two weeks from the date of receipt of a copy of this order and proceed further in the manner known to law.

4.The Criminal Original Petition is allowed as directed above.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1.The Superintendant of Police, Tirunelveli, Tirunelveli District.

2.The Inspector of Police,
Radhapuram Police Station,
Radhapuram, Tirunelveli District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1cc to M/S.S.PALANI VELAYUTHAM, Advocate SR.No.85002

cmr
MAS/SV-MMS/SAR2:09.11.2017:2P-5C

CRL.O.P.(MD) No.13873 of 2017
01.11.2017