

THE HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

Criminal Revision Case No.73 of 2014

ORDER:

The present Criminal Revision Case is filed questioning the order dated 6.9.2012 in C.C No.2913 of 2012 passed by the III-Additional Chief Metropolitan Magistrate, Vijayawada.

2. The revision petitioner/complainant filed the private complaint under Sections 190 and 200 of the Criminal Procedure Code, 1973 (for short, 'Cr.P.C.') against the respondents, who are the Assistant General Manager, Director and Executive Director respectively, for the alleged offences punishable under Sections 499 and 500 of the Indian Penal Code, 1860 (for short, 'I.P.C.') read with Section 34 of I.P.C.

3. Learned III-Additional Chief Metropolitan Magistrate, Vijayawada, having formulated the point, whether the complainant could be able to establish *prima facie* case against the accused for the offence punishable under Section 500 of I.P.C. to take cognizance of the offence against them deliberated in paragraph-14 that mere filing a complaint before an authority, without active persuasion, is not defamation, that has been the opinion tendered by him. Thus, the learned Magistrate referred to 74 decrees passed for payment of decretal amounts by the revision petitioner and extracted Explanation-8 of Section 499 of I.P.C., which clinches the issue.

4. Challenging the same, the present Criminal Revision Case is filed.

5. Heard Smt. N.Ramana Kumari, learned counsel for the revision petitioner and Sri Kunchem Maheswara Rao, learned counsel for the respondents 1 to 3.

6. Explanation-8, which has been extracted by the learned III-Additional Chief Metropolitan Magistrate governs the situation in the present case. Mere sending the complaint against the revision petitioner, who is working as Chartered Accountant, to the Authority, which regulate the professional misconduct and the authority returning it for want of procedure to be followed, certainly, would not amount to defaming the revision petitioner to give rise to cause to prosecute the respondents either for the offence punishable under Section 499 of IPC or under Section 500 of IPC.

7. Thus, the order under challenge at C.F. stage does not suffer from any patent illegality, warranting interference. Therefore, the present Criminal Revision Case is dismissed.

As a sequel thereto, miscellaneous petitions, if any, pending in the Criminal Revision Case shall stand closed.

A. SHANKAR NARAYANA

Dt.06.11.2017
gbs