

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON: 12.06.2018

DELIVERED ON: 13.06.2018

C O R A M

THE HONOURABLE MRS.JUSTICE R.HEMALATHA

Crl.O.P. No.828 of 2013

and

M.P. Nos.1 & 3 of 2013

The Editor,
Dinakaran,
No.229, Kutchery Road,
Mylapore, Chennai- 600 004.

.... Petitioner/Accused

Vs.

M.Susila

.... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, to call for the records relating to the proceedings in C.C. No.3615 of 2011 on the file of the learned Chief Metropolitan Magistrate, Egmore, Chennai and quash the same.

For Petitioner : Mr.B.K.Girish Neelakandan
For Respondent : No appearance

ORDER

This petition under Section 482 Cr.P.C. for quashing the criminal complaint in C.C. No.3615 of 2011 on the file of the learned Chief Metropolitan Magistrate, Egmore has been filed by the petitioner/accused.

2.Briefly the facts of the case are stated below:

The petitioner is the Editor of Tamil daily 'Dinakaran'. On 11.04.2011, a mysterious death of one Gopal was reported after his body was found on the bed of Aarani river. It was reported that the said Gopal was a criminal involved in several murders and assaults. On 08.06.2011, the respondent/complainant sent a legal notice alleging that news was a wrong one and that it was intended to harm the reputation of the deceased who was the son of the respondent and had no such criminal track record. It was also mentioned in the notice that the said news caused cancellation of the betrothal of the respondent's daughter thereby causing mental agony to all in the family who were already grief-stricken with the death of a member i.e, the son of the respondent. The notice also alleged that it was a wilful act of the editor

of the newspaper. The petitioner on his behalf replied to the notice dated 26.07.2011, after finding the news to be incorrect and publishing a retraction on 15.07.2011. The respondent was also asked to come forward with her version which would be published by the petitioner. However, not satisfied with the reply notice and the retraction news item, the respondent went ahead with the private complaint which was taken cognizance by the learned Chief Metropolitan Magistrate, Egmore and hence this petition.

3.The respondent in her complaint has alleged that the news item was published with the intention to harm the reputation of the respondent's son. It is quite unfortunate that the death of her son was reported in a sensational manner and the newspaper could have been more careful. However, I do not see any intentional act in the reporting. The Editor of any newspaper has to rely on the various inputs received from the reporters who make field visits to report such incidents. Though, the family of the respondent had suffered not only due to the demise of their loved one but also due to the wrong reporting, the retraction statement by the petitioner and expression of apology should suffice and there cannot be any malafide intention to be attributed to it. The petitioner has regretted for the erroneous reporting, though he ought to have been more careful. However, in the facts and circumstances of the present case I do find merit in the petitioner's request.

4. In the result, the petition is allowed and the entire proceedings in C.C. No.3615 of 2011 on the file of the learned Chief Metropolitan Magistrate, Egmore stands quashed. Consequently, Connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

To

1.The Chief Metropolitan Magistrate,
Egmore, Chennai.

2. The Public Prosecutor,
Madras High Court, Madras.

+1cc to Mr.B.K.Girish Neelakandan, Advocate Sr.No.37263

RV(CO)

sm:22.6.2018

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and
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