

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.06.2018

Coram:

The Honourable Mrs. Justice R. HEMALATHA

Cr1.O.P.No.27073 of 2013

and

M.P.No.1 of 2013

1.S.Dharaniselvi

2.S.Sivaranjani

...Petitioners/Accused 1 & 2

Versus

I.Aruphudharaj

...Respondent

This Criminal Original Petition is filed under Section 482 of Cr.P.C praying to call for the records in S.T.C.No.1147 of 2013 on the file of the Judicial Magistrate No.II, Pollachi and quash the same.

For Petitioners : Mr.C.Veeraraghavan

ORDER

The petitioners have filed the present petition under Section 482 of Cr.P.C praying to quash the proceedings in S.T.C.No.1147 of 2013 on the file of the Judicial Magistrate No.II, Pollachi.

2. The respondent/complainant has filed a private complaint under Section 200 Cr.P.C on the file of the learned Judicial Magistrate against the petitioners herein for the alleged offences under Sections 499, 500 and 501 of I.P.C. The case of the respondent/complainant is that the petitioners herein gave a Public Notice on 13.02.2013 in Dhinakaran daily newspaper contending that the respondent/complainant is attempting to grab the properties of the petitioners/accused. Since several persons enquired about the public notice given by the petitioners herein in Dhinakaran daily newspaper, his reputation is harmed. He has therefore prayed for payment of compensation of Rs.5,00,000/- by the petitioners herein for the publication made by them in the Dhinakaran daily newspaper on 13.02.2013.

3. Mr.C.Veeraraghavan, the learned counsel appearing for the petitioners contended that there are no prima facie materials for the alleged offences punishable under Section 499, 500 & 501 of I.P.C. He also drew the attention of this Court to Exception 9 of Section 499 of I.P.C. which reads as follows:

"Ninth Exception – Imputation made in good faith by person for protection of his or other's interests. – It is not defamation to make an imputation on the character of another provided that the imputation be made in good faith for the protection of the interests of the person making it, or of any other person, or for the public good."

4. In view of the Ninth Exception of Section 499 I.P.C, the offences under Section 499 is not made out against the petitioners herein. It is also relevant to point out that the petitioners have given a public notice in the daily newspaper in order to protect their property.

5. In the circumstances, I am unable to find any reason to direct the trial Court to proceed with the private complaint.

6. In the result, this Criminal Original Petition is allowed and the entire proceedings in S.T.C.No.1147 of 2013 is hereby quashed. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

mrr
To

1.The Judicial Magistrate No.II,
Krishnagiri.

2.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.C.VEERARAGHAVAN, Advocate, S.R.No. 37856

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NM(CO)
TR(04/07/2018)