



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.08.2018

CORAM:

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THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P. (MD) .Nos.14146 to 14149 of 2013
and
M.P (MD) .Nos.1,1,1,1,2,2,2 and 2 of 2013

S.P.Ramanathan

..Petitioner/Accused-5 in all
petitions

Vs.

Narayansamy

.. Respondent/Private Complainant in
Crl.O.P.14146/2013

Lakshmanan

.. Respondent/Private Complainant in
Crl.O.P.14147/2013

Ramaraj

.. Respondent/Private Complainant in
Crl.O.P.14148/2013

Chinnakalai

.. Respondent/Private Complainant in
Crl.O.P.14149/2013

PRAYER: These Criminal Original Petitions have been filed under Section 482 of Criminal Procedure Code, to call for the records relating to C.C.Nos.56, 57, 55 and 54 of 2012 on the file of Judicial Magistrate, Vadipatti, Madurai District and quash the same.

For Petitioner :Mr.S.Ravi
in all Crl OPs

For Respondents :Mr.N.Anantha Padmanabhan
in all Crl OPs

O R D E R

These quash petitions are filed to quash the complaints filed for the offence under Sections 500 read with 109 and 500 read with 120(B) of I.P.C. against the petitioner/A5.

2.The case of the complainants/respondents is that the petitioner herein is the Editor of "Paraparappu Seithi" bi monthly news magazine. In the September month edition, in the said magazine, an article was published with the title of "Nattama Theerppa Maathi Sollu". In the said article, the petitioner with an intention to defame the respondents name and to cause mental agony to the respondents published the news stating that the respondents collected money from illegal quarry mining operators and they are receiving mamool from stone quarry operators and they are also



giving share to police and revenue officials. Therefore, the complainant filed separate complaints before the learned Judicial magistrate, Vadipatti.

3. After having taken cognizance for the offence under Sections 500, 120(b) read with 109 of I.P.C. against the accused, the learned Judicial Magistrate issued summons to the accused persons. On receipt of the summon, the fifth accused filed these quash petitions.

4. The learned counsel for the petitioner/fifth accused would submit that the complaints against the petitioner are not maintainable and the news was published based on the representation given to the District Collector, Madurai complaining that the other accused persons were excommunicated by the villagers and since they have questioned the irregularities committed by the complainant herein and enquiry has also been conducted in this regard and the complaint of the other accused was reported in this magazine and hence, cognizance taken by the learned Judicial magistrate against this petitioner is illegal and contrary to law and hence, he prayed for quashing of the complaints against the petitioner alone.

5. The learned counsel appearing for the respondent would submit that the trial Court has rightly taken cognizance against the petitioner and hence, he prayed for dismissal of the petitions.

6. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents and perused the materials placed before this Court.

7. Perusal of the records would show that the allegation against the petitioner is that he published an article in a news magazine, which has been caused defame the name of the respondents and also caused mental agony to them. The only argument advanced by the learned counsel appearing for the petitioner is that on the basis the complaint/representation given by the other accused person to the District Collector, this petitioner/A5 punished the news magazine. The said issue has to be decided after letting oral and documentary evidence before the learned Judicial Magistrate, Vadipatti.

8. Considering the above facts and circumstances of this Court, this Court is of the view that since this Court is not a fact finding Court, it is not possible for this Court to decide the merits of the case and it has to be decided only after trial. In view of the same, these criminal original petitions are dismissed. However, the presence of the petitioner/A5 before the learned Judicial Magistrate, Vadipatti is dispensed with, except the date of hearings on which, the learned Judicial Magistrate insisted the petitioner to appear before the Court. In view of the pendency of the complainants from the year 2012, the learned Judicial Magistrate, Vadipatti is directed to dispose of the cases in C.C.Nos.56, 57, 55 and 54 of 2012 within a period of six months from



the date of receipt of a copy of this order. Consequently,
connected miscellaneous petitions are closed.

Sd/

Assistant Registrar (CS-I)

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Sub Assistant Registrar(CS-III)

To

The Judicial Magistrate,
Vadipatti, Madurai District.

+1cc to Mr.S.RAVI, Advocate, SR.No. 79191

CrI.O.P. (MD) .Nos.14146 to 14149 of 2013
and
M.P (MD) .Nos.1,1,1,1,2,2,2 and 2 of 2013
16.08.2018

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