



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 06.02.2018

Delivered on : 09.02.2018

CORAM

THE HONOURABLE MR. JUSTICE R.PONGIAPPAN

Crl.O.P. (MD) No.926 of 2013

and

M.P. (MD) Nos.1 of 2013

1.N.Ravikumar

2.Brinda Ravikumar

... Petitioners/Accused Nos.1 and 2

Vs.

M/s.Limras Consultancy Services,
Rep. by its Partner,
Fakrudeen,
No.5, Quaid-E-Milleth Nagar,
Manakaramabai,
Thanjavur.

... Respondent/Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to S.T.C.No.1150 of 2012 on the file of the Judicial Magistrate Court, Thiruvaiyaru, and quash the proceedings as against the petitioners herein.

For Petitioners	:	Mr.G.Karnan
For Respondent	:	Mr.M.Karunanithi

ORDER

The petitioners herein are the accused in S.T.C.No.1150 of 2012, pending on the file of the Judicial Magistrate Court, Thiruvaiyaru.

2.The respondent/complainant in the above said S.T.C. is running an Agency in the name of Limras Consultancy, in which, they provide all materials to students community with the object to eliminate stress and inferiority complex from the minds of the students. During the course, on 29.09.2010, the first petitioner/A1 was appointed as Area Manager for the abovesaid Company. The appointment will be subject to completion of probation. After appointment, the first petitioner herein has not satisfactorily completed the period of probation. So, he was terminated from the services. Aggrieved over the same, the first petitioner herein has filed a complaint before the Inspector of Police, Ayyampettai Police Station. The second petitioner/A2, who is the wife of the first petitioner/A1, also gave a false complaint before the



Superintendent of Police, Thanjavur, in which, she made defamatory allegation with an intention to harm the complainant's agency. After enquiry, the further action in that petitions was dropped and the petitions were closed by the respective officers.

WEB COPY

3. Aggrieved over the allegation levelled in the petitions lodged by the petitioners, the respondent filed a private complaint before the learned Judicial Magistrate, Thiruvaiyaru, for taking cognizance of the offence punishable under Section 500 IPC.

4. Now, the learned counsel appearing for the petitioners submitted that in a complaint lodged before the Judicial Magistrate, Thiruvaiyaru, the respondent/complainant did not mention anything about the defamatory words used by the petitioners at the time of commission of offence. So, without mentioning the specific allegation, the complaint filed by the respondent is liable to be quashed.

5. This Court heard the submissions of the learned counsel appearing for the respondent on the abovesaid submission.

6. Now, considering the submission made by the petitioners' counsel and on going through the entire averments made in the complaint given by the respondent, it is true that the respondent did not say anything about the words used by the petitioners in the complaint lodged before the police officers.

7. At this juncture, it is relevant to extract below Section 499 IPC:-

''499. Defamation.- Whoever, by words either spoken or intended to be read, or by signs or by visible representations, makes or publishes any imputation concerning any person intending to harm, or knowing or having reason to believe that such imputation will harm, the reputation of such person, is said, except in the cases hereinafter expected, to defame that person.

Explanation 1.-It may amount to defamation to impute anything to a deceased person, if the imputation would harm the reputation of that person if living, and is intended to be hurtful to the feelings of his family or other near relatives.

Explanation 2.-It may amount to defamation to make an imputation concerning a company or an association or collection of persons as such.

Explanation 3.-An imputation in the form of an insinuation or expressed ironically, may amount to defamation.



Explanation 4.—No imputation is said to harm a person's reputation, unless that imputation directly or indirectly, in the estimation of others, lowers the moral or intellectual character of that person, or lowers the character of that person in respect of his caste or of his calling, or lowers the credit of that person, or causes it to be believed that the body of that person is in a loathsome state, or in a state generally considered as disgraceful.''

8. So, according to the said provision, in order to prove the offence under Section 500 IPC, there must be a specific allegation, that is, the words used by the petitioners in the petition is necessary for constituting the offence. But, in the complaint given by the respondent, nothing is averred. Mere mentioning that the petitioners made false defamatory allegation does not constitute the offence under Section 500 IPC. Therefore, this Court comes to the conclusion that the respondent has lodged the private complaint against the petitioners only with an ulterior motive and therefore, the same is liable to be quashed. Accordingly, the proceedings in S.T.C.No.1150 of 2012 pending against the petitioners on the file of the Judicial Magistrate Court, Thiruvaiyaru, stands quashed.

In the result, this Criminal Original Petition is allowed. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

The Judicial Magistrate,
Thiruvaiyaru.

+1cc to M/S.G.Karnan, Advocate SR.No. 47374

order in
Crl.O.P. (MD) No.926 of 2013
09.02.2018

smn2
JM/GT/SAR 1/20.02.2018/3P/3C