

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.08.2019

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THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.10159 of 2015

Dr.S.Ramadoss

.. Petitioner/Accused

/versus/

The City Public Prosecutor,
City Civil Court Buildings,
High Court Campus,
Chennai - 600 104.

.. Respondent/Complainant

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records in C.C.No.50 of 2014 on the file of the Principal Sessions Judge, Chennai and quash the same.

For Petitioners :Mr.K.Balu

For Respondent :Mr.C.Raghavan
Government Advocate (Crl.side)

O R D E R

This petition has been filed challenging the proceedings initiated by the respondent for an offence of defamation punishable under Section 500 of IPC.

2. The petitioner is a leader of a political party. He made a statement to the effect that there is a loss of 730 Crores in procurement of certain food products in Tamil Nadu. This statement came to be published in the news papers. The Hon'ble Minister for food, Government of Tamil Nadu, took this statement as a defamation, defaming the Minister in the discharge of his public function.

3. The learned counsel for the petitioner submitted that the petitioner did not make any personal allegations against the Minister and he had only explained in the news item regarding the manner in which loss has been caused during the procurement of food items by the Government of Tamil Nadu. The learned counsel submitted that even if the statement is taken as it is,

no offence of defamation has been made out in this case. The learned counsel for the petitioner further submitted that the complaint has been filed through the City Public Prosecutor and the complaint does not satisfy the requirements of Section 199 of Cr.P.C. In order to substantiate his submissions, the learned counsel relied upon the judgment of the Hon'ble Supreme Court in K.K.Mishra Vs.State of Madhya Pradesh and another reported in 2018 2LW (Crl) page 17 and the judgement of this Court in R.Avudayappan Vs. Muthu Karuppan, Public Prosecutor, District and Sessions Court, Tirunelveli District, reported in 2018 2LW (Crl) Page 24.

4. The learned Government Advocate appearing on behalf of the respondent submitted that the statement made by the petitioner is a direct imputation on the public duty discharged by the concerned Minister and the statement has certainly defamed the Hon'ble Minister in the eyes of the public and it has also brought down the image of the Government in the eyes of the people. The learned counsel, therefore, submitted that the petitioner has to face the trial before the Court below and prove his innocence.

5. This Court has carefully considered the submissions made on either side and perused the materials placed on record.

6. The allegation based on which the defamation complaint was filed against the petitioner is extracted hereunder:

பருப்ப, கொள்முதலில் ரூபாய் 730 கோடி இழப்பு

7. This is the only allegation based on which, this complaint for the offence of defamation has been filed through the City Public Prosecutor. The complaint does not satisfy the requirement of Section 199 of Cr.P.C, since the petitioner has not made any allegations on matter touching upon the concerned Minister's discharge of his public function. The statement that has been extracted above, by no stretch, can be construed as a defamatory statement. The concerned Minister had become hyper sensitive and he had construed the statement as something which has been made against him. The very complaint itself is an abuse of process of Court, which requires interference of this Court in exercise of its jurisdiction under Section 482 of Cr.P.C.

8. The judgments relied upon by the learned counsel for the petitioner directly applies to the facts of the present case.

9. In the result, the proceedings in C.C.No.50 of 2014, on the file of the Principal Sessions Judge, Chennai, is hereby quashed and accordingly, this Criminal Original Petition is allowed.

s/d-
Assistant Registrar(CS V)

True Copy

Sub-Assistant Registrar

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To

1.The Principal Sessions Judge, Chennai.

2.The City Public Prosecutor,
City Civil Court Buildings,
High Court Campus,
Chennai - 600 104.

3.The Public Prosecutor,
High Court of Madras.

+1 CC to Mr.K.Balu, Advocate sr 68414.

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NMI (CO)
SP(12/09/2019)

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