

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.12.2019

CORAM:

THE HON'BLE MR.JUSTICE P.VELMURUGAN

Crl.O.P.No.3501 of 2013
and M.P.Nos.1 and 2 of 2013

Sona

..Petitioner

Vs

The Association for Protection
of Men-Tamil Nadu
Rep. by its General Secretary
Mr.S.Madhusudanan
No.142/222, Dr.Natesan Road
Ice House, Chennai-600 005

..Respondent

Prayer: Crl.O.P., filed under Section 482 of Cr.P.C., praying to call for the records in C.C.No.230 of 2013, on the file of XIII Metropolitan Magistrate, Egmore, Chennai, and quash the said complaint in C.C.No.230 of 2013 and the summons issued therein dated 30.01.2013 as against the petitioner.

For Petitioner : Mr.S.Thanka Sivan

For Respondent : Mr.John Sathyan

ORDER

This Crl.O.P., is filed praying to call for the records in C.C.No.230 of 2013, on the file of XIII Metropolitan Magistrate, Egmore, Chennai, and quash the said complaint in C.C.No.230 of 2013 and the summons issued therein dated 30.01.2013 as against the petitioner.

2. The respondent is the Association. They filed a Private complaint under Section 200 Cr.P.C., against the petitioner herein before the learned XIII Metropolitan Magistrate, Egmore, Chennai. The learned Magistrate has taken cognizance of the complaint in C.C.No.230 of 2013 and issued summons to the petitioner herein. Aggrieved by the same, the petitioner has filed this Crl.O.P., to invoke Section 482 Cr.P.C. and to quash the complaint in C.C.No.230 of 2013 and the summons issued therein dated 30.01.2013 as against the petitioner.

3. The learned counsel for the petitioner would submit that interview was taken from the petitioner by a Popular magazine, in which the petitioner answered only for their questions and she had no intention to defame the members of the respondent association and even the magazine published a regret notification for such words in the interview. The learned counsel further submits that she had no intention to pass defamatory word or vulgar word. She has not committed any offence under Sections 500, 504 and 505 of IPC and therefore, sought to quash the complaint against the petitioner.

4. The learned counsel for the respondent would submit that the respondent Association is a group of persons. If one of the members of the Association is affected, the Association can file a petition on behalf of the members. As such, the Association has locus standi for filing the petition. It is submitted that the petitioner is not an ordinary person and when she expressed such words, she knows the consequences very much in respect of the conversation made during the interview. Therefore, she would have avoided this type of conversation.

5. Heard and perused the records.

6. It is not in dispute that the interview was taken by a Popular Magazine, in which the petitioner was interviewed by one Mr.T.L.Sanjeevi Kumar and subsequently, the same was published. Subsequently, some of the members of the respondent Association represented their displeasure over the said article/interview and therefore, they filed petition u/s.200 Cr.P.C., before the Magistrate.

7. On careful reading of the complaint filed by the respondent herein before the Magistrate and also the extracts of the conversation made at the time of interview, it is apparent that as stated by the learned counsel for the petitioner, she has not named any particular association or any person individually. Since she has expressed only her opinion, the said act does not fall under sections 500, 504 and 505 of IPC.

8. A careful reading of the allegations made in the complaint and also extractions of the conversation, further shows that the said conversation does not point out any particular name, any particular person and also not any particular association. Therefore, this court finds that the petitioner cannot be prosecuted for the offence under sections 500, 504 and 505 Cr.P.C.

9. In view of the above reasonings, this court is inclined to quash the complaint in C.C.No.230 of 2013. Accordingly, this Criminal Original Petition is allowed. The

proceedings in C.C.No.230 of 2013 on the file of XIII Metropolitan Magistrate, Egmore, Chennai is quashed. Consequently, connected Miscellaneous petitions are closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

nvsri

To

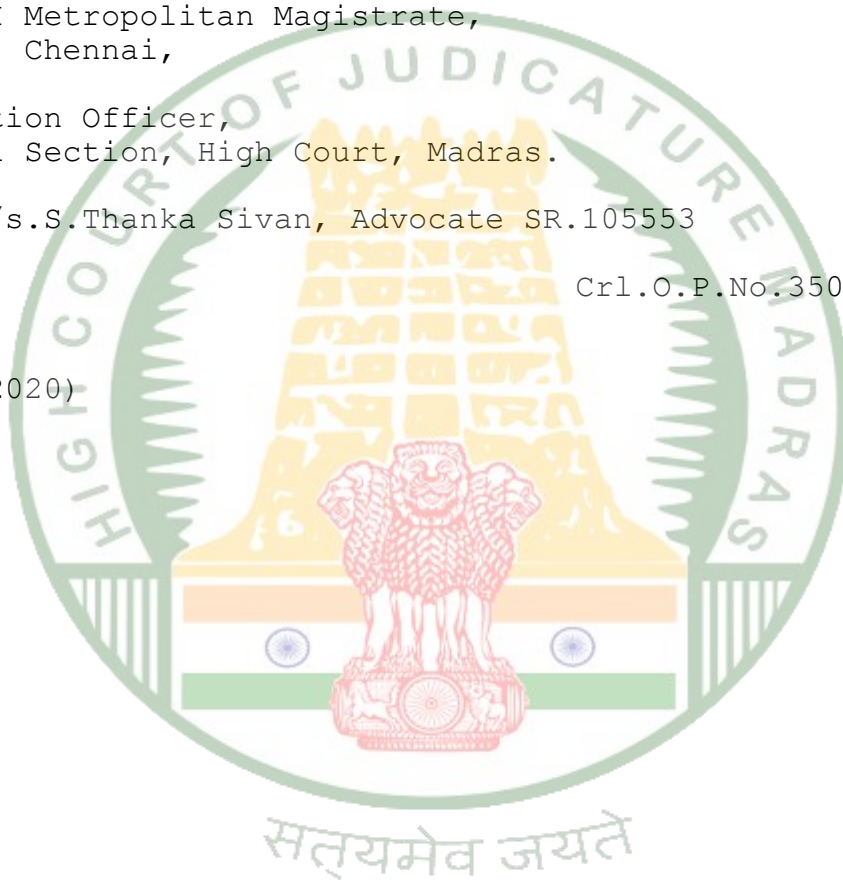
1.The XIII Metropolitan Magistrate,
Egmore, Chennai,

2.The Section Officer,
Criminal Section, High Court, Madras.

+1cc to M/s.S.Thanka Sivan, Advocate SR.105553

Cr1.O.P.No.3501 of 2013

RSV(CO)
CB(11/02/2020)



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