

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.8060 of 2014  
and  
M.P.Nos.1 and 2 of 2014

S. Komalavalli

... Petitioner/A3

Vs.

Joseph Manoharan  
Secretary General of Federation of  
Tata Communications Limited Employees Unions,  
Residing at Block - D-11,  
Tata Communications Limited Staff Quarters,  
No.45, Uthamar Gandhi Salai,  
(Nungambakkam High Road)  
Chennai - 600 034.

...Respondent/Complainant

Prayer :-

Criminal Original Petition filed under Section 482  
Cr.P.C. to call for the records in C.C.No.163 of 2013 pending on  
the file of XIV Metropolitan Magistrate Court, Egmore, Chennai  
and quash the same.

For Petitioner : Mr.C.Prakasam

For Respondent : No Appearance

O R D E R

This Criminal Original Petition has been filed by the  
petitioner seeking to quash the proceedings in C.C.No.163 of  
2013 pending on the file of XIV Metropolitan Magistrate Court,  
Egmore, Chennai.

2. Heard the learned counsel appearing for the  
petitioner and the learned counsel for the respondent and  
perused the materials available on record.

3. The respondent/complainant herein filed a private complaint under sections 190(1)(a) and 200 of CrPC before the learned XIV Metropolitan Magistrate Court, Egmore, Chennai, against the petitioner and two others for the alleged offences punishable under sections 499, 500 and 501 of IPC.

4. Brief of the facts set out in the petition is that the respondent herein committed so many irregularities in regarding with Videsh Sanchar Nigam Employees Co-operative House Site Society Limited (hereinafter referred to as "VSNL") for purchase of land from Government of India and selling the same to the members, since the petitioner is being one of the members in the above said Co-operative Society, but her husband is Editor in Fortnightly Magazine called as "Gnayiru" and he published whatever irregularities committed by the complainant in the above said Co-operative Society, but the respondent with intend to threat the petitioner's husband for not to publish anymore news against him, therefore, he falsely implicated the petitioner's name in his private complaint, even though there is no averment made in the above said complaint stating that the petitioner defamed the complainant's name, but he has not at all stated how the petitioner defamed him except the complainant made averment that she distributed the magazine among the staff quarters members. In that complaint, it is not stated that the petitioner distributed the magazine to whom and also not examined them and moreover he has not at all stated anything about that the staff, who received the magazine from the petitioner and asked the complainant inregarding with above said irregularities, hence the alleged offences under sections 499, 500 and 501 of IPC not at all attracted against the petitioner. The respondent has been falsely implicated the petitioner's name in his private complaint is abuse of process of law and threatening her husband for not to publish any articles against him. Hence, the petitioner has approached this Court for seeking appropriate relief.

5. Though notice was served on the respondent but none appeared on behalf of the respondent in this case.

6. There are totally three accused in C.C.No.163 of 2013, in which the petitioner herein is the third accused. She has none other than the wife of the first accused. According to the complainant, there is no specific averments on the allegations as against the petitioner/A3. The wife of the first accused, she has been falsely implicated as the third accused. Further, it is seen that the allegations in the complaint on the first accused viz., the Editor in Fortnightly Magazine called as "Gnayiru", the public news is that he is the Secretary General of Federation of Tata Communications Limited Employees Unions,

and he was misappropriated funds to the tune of Rs.12.5 Crores. The said money was circulated by the third accused. It is also seen that the offences under sections 499 and 500 IPC are extracted hereunder:

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.

500. Whoever defames another shall be punished with simple imprisonment for a term which may extend to two years, or with fine, or with both.

7. However, the said mistakes squarely applicable to the petitioner and even it is seen from the complaint that there is absolutely no specific averments as against the petitioner to attract the offences under sections 499 and 500 of IPC as against the petitioner. The present complaint is nothing but to clear abuse of process of law. Therefore, the complaint cannot be sustained as against the petitioner.

8. In view of the above, the Criminal Original Petition is allowed and the entire proceedings in C.C.No.163 of 2013 pending on the file of XIV-Metropolitan Magistrate Court, Egmore, Chennai, is quashed. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar

//True copy//

Sub Assistant Registrar

msm

To

The XIV Metropolitan Magistrate, Egmore, Chennai.

Cr1.O.P.No.8060 of 2014  
and  
M.P.Nos.1 and 2 of 2014

TM(CO)  
GMY(27/05/2019)