



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date of Reservation	28.03.2019
Date of Judgment	27.06.2019

WEB COPY

CORAM

THE HONOURABLE MRS. JUSTICE T.KRISHNAVALLI

Crl.RC(MD)No.719 of 2016

G.Palani : Petitioner/Complainant

Vs.

S.Selvaraj : Respondent/Sole Accused

Prayer: This Criminal Revision case has been filed under Sections 397 and 401 of Criminal Procedure Code, against the order, dated 10.05.2016 made in Crl.M.P.No.2997 of 2016 on the file of the II Additional District Munsif-cum-Judicial Magistrate No.1, Kumbakonam.

For Revision Petitioner : Mr.A.Saravanan

For Respondent : No appearance

O R D E R

This criminal revision is filed against the order, dated 10.05.2016 made in Crl.M.P.No.2997 of 2016 on the file of the II Additional District Munsif-cum-Judicial Magistrate No.1, Kumbakonam.

2.The petitioner is the Vice Chairperson of Thirubhuvanani Grade Town Panchayat as well as a Social Worker and owned large extent of agricultural lands. The respondent herein has sent a defamatory false complaint against the petitioner on 30.10.2015 addressed to the Regional Joint Director of Panchayat, Thanjavur as well as the other authorities and based on the complaint, the Director of Town Panchayats, Chennai, through its letter dated, 07.01.2016 has directed the Assistant Director of Town Panchayat, Thanjavur Region to enquire the petitioner and in turn, he issued enquiry notice to the petitioner on 14.03.2016 directing him to appear for enquiry on 22.03.2016 at 3.00 pm and accordingly, the petitioner appeared on 22.03.2016 and submitted his detailed explanation. According to the petitioner, the act of the respondent is a defamatory one.

3.The respondent/accused stated in his complaint that the land



in Survey Nos.60/1 and 501/1 of Thirubhuvanam, Thiruvaidaimaruthur Taluk, Thanjavur District, classified as unused Government dry land and it is in the name of one Mohammed Hanif and the petitioner being the 4th Ward Member through some other persons plotted out the land situated at southern side of en-route of Packananthoppu and selling the same as house sites as if Survey No.501/1 belonged to one Kambakareswara Devasthanam and obtained a fake **No Objection Certificate** from the said temple authorities for laying road for the said house sites and submitted before the Town Panchayat for approval on 30.09.2015 and got approval and necessary resolution had been passed for fraudulent taking the panchayat public fund. The petitioner has been defamed by the officers, when such false complaint being read over in the public office during enquiry. The petitioner sent a legal notice on 26.03.2016 to the respondent through his counsel for such defamatory complaint made against him and to pay Rs.10 Lakhs as damages. The respondent, after receipt of the said notice, neither tender any apology or sent any reply.

4.The petitioner filed the complaint against the accused to take cognizance of the offence under section 500 of IPC. The learned II Additional District Munsif-cum-Judicial Magistrate No.1, Kumbakonam, after examination of the petitioner and also perusing the documents has dismissed the said complaint on 10.05.2016 holding that no *prima facie* offence constituted on the act of the respondent. Aggrieved by the said order, the petitioner/complainant is before this court.

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

6.It is seen from the records that the respondent/accused gave a complaint, dated 30.10.2015 against the petitioner/complainant to the Assistant Director of Panchayat. The Assistant Director of Panchayat issued a show cause notice to the petitioner/complainant and directed to appear for enquiry.

7.The contention of the petitioner/complainant is that the act of the respondent/accused is a defamatory one and hence, he is punishable under section 500 of IPC.

8.It is seen from the records that the petitioner/complainant is a public servant and holding public office. It is needless to say that it is not defamation to appears in good faith any opinion whatever respecting the conduct of a public servant in discharging his public functions or respecting his character. In the case on hand, the respondent/accused has given complaint to Assistant Director of Panchayat as against the petitioner. The trial court found that giving of complaint to the authorised person will not



constitute an offence of defamation and therefore, no *prima facie* offence constituted on the act of the respondent/accused and dismissed the complaint filed by the petitioner.

9.This court is of the considered view that the order of the trial court do not call for any interference by this court, as no *prima facie* offence made out under section 500 r/w 499 IPC as against the respondent/accused.

10.In the result, this criminal revision is **dismissed**.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar (CS)

er
To,

The II Additional District Munsif-cum-
Judicial Magistrate No.1,
Kumbakonam.

+1 CC to M/s.A.SARAVANAN, Advocate (SR-71649[F] dated
27/06/2019)

Order made in
Crl.R.C (MD) No.719 of 2016
27.06.2019

KM/ (11.12.2019) 3P 3C