



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.09.2019

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl OP(MD)No.1523 of 2015

and

MP(MD)No.1 of 2015

WEB COPY

K.Kalaiselvi

... Petitioner / Accused

Vs.

P.Ramasamy

... Respondent / Complainant

Prayer : Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records in the private complaint in C.C No.272 of 2014 on the file of the Judicial Magistrate No.1, Karur, and quash the same.

For Petitioner : Mr.S.Gokulraj

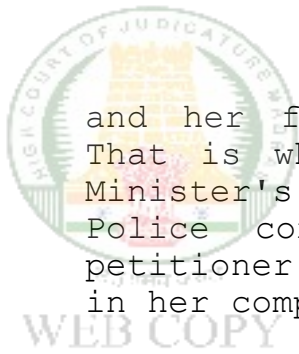
For Respondent : No appearance

ORDER

The respondent herein filed a private complaint against the petitioner herein for the offences under Sections 499 and 500 of IPC before the Judicial Magistrate No.1, Karur. The case of the respondent is that the petitioner had made a false allegation that the respondent was one of the 39 persons who had excommunicated the petitioner and her family from the Kulalar Sangam.

2.It is not in dispute that the petitioner's husband was an office bearer in the said Sangam and that certain allegations were made against him. He later resigned from his post. Thereafter, the petitioner herein submitted a representation dated 26.06.2013 to the Chief Minister's Special Cell alleging certain acts on the part of the 39 persons. The respondent is the 39th individual in the Annexure to the said complaint. Thereafter, an enquiry was conducted. In the enquiry, it is not known as to whether the respondent Ramasamy appeared. But then, the Inspector of Police, Kodumudi Police Station in his report has recorded that the members of the said Sangam expressed their regret and undertook that the petitioner and his family will be inducted into the Sangam.

3.It is the specific case of Thiru.P.Ramasamy, the respondent herein that he was not a party to the excommunication and that by including his name in the said complaint, he has been put to immense hardship. It must be noted that an act of excommunication is something unconstitutional. It cannot be denied that the petitioner



and her family were subjected to some kind of excommunication. That is why, the petitioner lodged a complaint before the Chief Minister's Special Cell. The enquiry report of the Inspector of Police confirms the petitioner's allegation. But then, the petitioner ought not to have mentioned the name of Thiru.P.Ramasamy in her complaint.

4.The learned counsel for the petitioner on instructions from the petitioner expresses her regret for having erroneously included the name of the respondent herein. In the complaint, Thiru.P.Ramasamy has not stated that his reputation was brought down as a result of the lodging of the complaint by the petitioner herein. The petitioner and her husband after all wanted to be included into the sangam. Therefore, she submitted a petition to the appropriate authority. There was an enquiry also. Except naming the respondent as a 39th person in the said annexure, the petitioner had not done anything against the respondent herein. There is nothing on record to show that the complaint was published in the local media.

5.Therefore, I am of the view that the issue should be given a quietus by recording the regret expressed by the petitioner. The essential ingredients of the offence of defamation is that the reputation and esteem of the complainant should have been brought down. In this case, that had not actually happened. Therefore, continuation of the impugned prosecution would only amount to an abuse of legal process. The impugned prosecution is quashed. This petition is allowed. Consequently, connected miscellaneous petition stands closed.

Sd/-

Assistant Registrar (CS III)

// True Copy //

Sub Assistant Registrar (CS)

Skm
To

The Judicial Magistrate No.1, Karur,

CrI OP(MD)No.1523 of 2015
and
MP (MD)No.1 of 2015
19.09.2019

_KK/SAR/22.11.2019/2P-2C/