



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.11.2019

CORAM

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

Crl.O.P.(MD)No.163 of 2015 and

M.P.(MD)Nos.1 and 2 of 2015

V.C.Chandrakumar, MLA,
Desiya Murpokku Dravida Kazhagam,
No.127/7, Head Quarters,
Sri Andal Azhagar Thirumana Mandapam,
100 Feet Road, J.N.Salai,
Koyambedu, Chennai - 600 107.

... Petitioner/Accused

Vs.

The Public Prosecutor,
Kanyakumari District,
Nagercoil.

... Respondents / Complainant

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to quash the proceedings in C.C.No.3 of 2013 pending on the file of the District and Sessions Judge, Nagercoil.

For Petitioner : Mr.R.Sevugaraja,

for M/s.Mother Land Associates.

For Respondent : Mr.A.Natarajan, State Public Prosecutor,
assisted by, Mr.A.Robinson,
Government Advocate(Crl. Side).

O R D E R

The petitioner is facing trial in C.C.No.3 of 2013 on the file of the District and Sessions Judge, Nagercoil for the offences under Section 500 of I.P.C.

2. The District Public Prosecutor, Kanyakumari District at Nagercoil had instituted the said complaint. To quash the same, this criminal original petition has been filed.

3. The learned State Public Prosecutor appearing for the respondents submitted that no case has been made out for quashing the proceedings. He wanted this Court to dismiss the criminal original petition.

4. I carefully considered the rival contentions.

5. As rightly pointed out by the petitioner's counsel, the petitioner in his speech had made a defamatory attack over the personal conduct of the then Hon'ble Chief Minister of Tamil Nadu. It did not pertain to discharge of official duties. The Hon'ble Supreme Court in the decision reported in CDJ 2018 SC 391



(K..K.Mishra Vs. The State of Madhya Pradesh) held that Section 199 (2) of Cr.P.C can be invoked only if the offence pertains to acts committed in the discharge of public functions of the concerned petitioner/public servant. The case on hand is squarely covered by an earlier order dated 18.06.2018 in Crl.O.P.(MD)No.21494 of 2013.

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6. I carefully went through the contents of the complaint in question. A reading of the same would reveal that the petitioner herein defamed the then Hon'ble Chief Minister personally and it did not pertain to her public function.

7. In this view of the matter, the impugned prosecution stands quashed. The criminal original petition stands allowed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AD-II)

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/ /2020

Sub Assistant Registrar(CS)

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To:

1. The District and Sessions Judge,
Nagercoil.
2. The Public Prosecutor,
Kanyakumari District, Nagercoil.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Crl.O.P.(MD)No.163 of 2015
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SMA/20/03/2020/2P/4C