



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.09.2019

CORAM :

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

Cr1 OP(MD) Nos. 5180 & 5190 of 2015

and

MP(MD) Nos. 1 & 2 of 2015 in Cr1 OP(MD) No. 5190 of 2015,

MP(MD) No. 1 of 2015 in Cr1 OP(MD) No. 5180 of 2015

WEB COPY

Cr1 OP(MD) No. 5180 of 2015 :

Kareemkani

... Petitioner / 1st Accused

Vs.

1. Amjathhusain

... Respondent / Complainant

2. Nirubar, (Nickname Adithya),
Nakeeran Publication,
105, Jani Jonkhan Salai,
Royapettai, Chennai-4.

3. Gopal,
Writer and Publisher,
105, Jani Jonkhan Salai,
Royapettai, Chennai-4.

... respondents /
Accused Nos. 2 & 3

Prayer : Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to the charge sheet in C.C No. 158 of 2014 on the file of the Judicial Magistrate Court No. 2, Ramanathapuram and to quash the same as illegal.

Cr1 OP(MD) No. 5190 of 2015 :

Nakkheeran Gopal

... Petitioner / Accused No. 3

Vs.

Amjathhussain

... Respondent / Complainant

Prayer : Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to the charge sheet in C.C No. 158 of 2014 on the file of the Judicial Magistrate Court No. 2, Ramanathapuram and to quash the same.



For Petitioner : Mr.K.R.Laxman

For Respondents : Mr.T.Lajapathi Roy for R1

Mr.P.Ganapathi Subramanian for R2

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In Cr1 OP(MD)No.5190 of 2015 :

For Petitioner : Mr.Mr.P.Ganapathi Subramanian

For Respondent : Mr.T.Lajapathi Roy

COMMON ORDER

The petitioners are facing trial in C.C No.158 of 2014 on the file of the Judicial Magistrate No.2, Ramanathapuram. The complaint came to be lodged following the publication of an article in the Nakkheeran magazine in their issue dated 07.03.2014. A tragic fire accident took place in Ervadi town leading to the death of as many as 28 persons. In this regard, an article appeared in the Nakkheeran issue. On a careful reading of the said article, one can note that the management of Ervadi Dargah has not been defamed in any manner. The focus was more on the way in which the mentally ill persons were chained in the Ervadi mental asylum. The thrust of the article appears to be more to prevent recurrence of such incident.

2.Since the elementary ingredients of Section 500 of IPC are not attracted, I am of the view that continuation of the impugned prosecution can only be characterised as an abuse of legal process. Accordingly, the impugned prosecution stands quashed. These criminal original petitions stand allowed. Consequently, connected miscellaneous petitions stand closed.

Sd/-

Assistant Registrar(AE)

// True Copy //

Sub Assistant Registrar(CS)

Skm

To

1.The Judicial Magistrate No.2, Ramanathapuram.

+1CC TO MR.K.R.LAXMAN, Advocate Sr. No.90701

+1CC TO MR.P.GUNAPATHI SUBRAMANIAN, Advocate Sr. No.90848

+1CC TO MR.T.LAJAPATHI ROY, Advocate Sr. No. 90348

Cr1 OP(MD)Nos.5180 & 5190 of 2015

27.09.2019