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CRL.O.P.(MD)NO.5591 OF 2015

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.5591 of 2015 and

M.P. (MD)No.1 of 2015

T.Regan @ Vignesh

... Petitioner/Accused No.1

Vs.

1. The State rep. by,
The Inspector of Police,
Karur Town Police Station,
Karur District,
Karur.

... Respondent/Complainant

2. R.Sathasivam

... 2nd Respondent/
Defacto Complainant

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to First Information Report in Crime No.110 of 2015 on the file of the first respondent herein and quash the same.

For Petitioner
For R-1

: M/s.M.Bindran
: Mr.A.Natarajan,
State Public Prosecutor,
assisted by,
Mr.A.Robinson,
Government Advocate(Crl. Side).

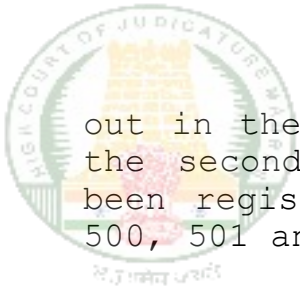
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O R D E R

The petitioner herein is a member of Dravida Munnetra Kazhagam, a recognized political party.

2. He is figuring as accused in Crime No.110 of 2015 registered on the file of the Inspector of Police, Karur Town police station for the offences under Sections 143, 153, 153(A), 500, 501 and 504 of I.P.C.

3. The second respondent herein is the defacto complainant. The allegation of the defacto complainant is that on 21.02.2015 at about 11.00 a.m., the petitioner along with others was distributing pamphlets which alleged that the members of AIADMK led by the then Hon'ble Chief Minister Miss.J.Jayalalitha had indulged in Mega scams to the tune of Rs.10,00,000 Crores and that they should be driven



out in the elections in the year 2016. Based on the complaint of the second respondent, the impugned First Information Report has been registered for the offences under Sections 143, 153, 153(A), 500, 501 and 504 of I.P.C.

4. No doubt the contents of the pamphlets are defamatory. But then, the remedy open to the second respondent who claims to be a member of AIADMK is to file an appropriate complaint for defamation against the petitioner herein. The second respondent could not have lodged a complaint before the first respondent nor the first respondent could have registered First Information Report for the offences in question.

5. In this view of the matter, leaving open all the other remedies to the second respondent, the impugned prosecution stands quashed. The criminal original petition stands allowed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (co)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Pmu

To:

1. The Inspector of Police,
Karur Town Police Station,
Karur District,
Karur.

2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to Mr.M. BINDRAN, Advocate (SR-101251[F] dated 26/11/2019)

Cr1.O.P.(MD)No.5591 of 2015 and

M.P.(MD)No.1 of 2015

25.11.2019

VB(09.03.2020) 2P 4C