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CRL.O.P.(MD)NO.21164 OF 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.11.2019

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THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

Cr1.O.P.(MD)No.21164 of 2016 and

Cr1.M.P.(MD)Nos.10822 & 10823 of 2016

Chepaukam Prabakaran

...Petitioner/Accused

Vs.

M.Navanathan,
District Public Prosecutor,
District Sessions Court,
Ramanathapuram.

Hon'ble Chief Minister of Tamilnadu,
Secretariat, Chennai.

...Respondent/Complainant

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to call for the records relating to the complaint in S.C.No.128 of 2013 on the file of the Principal District and Sessions Judge, Ramanathapuram and to quash the same as illegal.

For Petitioner	: M/s.R.M.Anbunithi
For Respondent	: Mr.A.Natarajan, State Public Prosecutor, assisted by, Mr.A.Robinson, Government Advocate(Cr1. Side).

O R D E R

The petitioner is facing trial in S.C.No.128 of 2013 on the file of the Principal District and Sessions Judge, Ramanathapuram, for the offences under Section 500 of I.P.C.

2. This complaint was filed by the District Public Prosecutor of Ramanathapuram. To quash the same, this criminal original petition has been filed.

3. The petitioner's counsel pointed out that Section 199(2) of Cr.P.C. could not have been invoked. In this case, he placed reliance on the order dated 18.06.2018 made in Cr1.O.P.(MD)No.21494 of 2013 wherein this Court followed the Judgment of the Hon'ble Supreme Court reported in AIR 2018 SC 391(K.K.Mishra Vs. The State of Madhya Pradesh).

4. I am unable to agree with this submission. As rightly pointed out by the learned State Public Prosecutor, a reading of the impugned complaint indicates that the petitioner had attacked the



then Hon'ble Chief Minister of India in respect of her public functions and therefore, Section 199 of Cr.P.C. was rightly invoked by the District Public Prosecutor.

5. Though I reject this contention of the petitioner's counsel, I am inclined to allow this petition for the simple reason that the speech of the petitioner though rather lacking in decorum and dignity cannot be said to be defamatory. The petitioner had attacked then Hon'ble Chief Minister with regard to filing of an affidavit before the Hon'ble Supreme Court regarding Sethusamudram Shipping Canal project. Her claim that she had made Tamil Nadu as an energy surplus state was also questioned. Invoking criminal process against a person who had only spoken on public issues is not really warranted. It is further noted that the then Hon'ble Chief Minister is also no more.

6. In these circumstances, continuance of the impugned prosecution will be an abuse of legal process. The impugned prosecution stands quashed. The criminal original petition stands allowed, accordingly. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (ADII)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To:

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

+1 CC to M/s.N. SATHEESH KUMAR, Advocate (SR-101760[F] dated 27/11/2019)

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