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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.11.2019

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CRL.O.P. (MD)No.21528 of 2016 and
CRL.M.P. (MD)Nos.11047 and 11048 of 2016 and
2234 and 2235 of 2017

1. Suseela George,
W/o.Late.George Parambil,
Founder: Merryland International School,
Post Box No.73340, Abudhabi,
United Arab Emirates,
Represented by her Power Agent,
Jibu Mathew,
NO.216, Alagesan Road, Saibaba Colony,
Coimbatore - 641 011.

2. Jibu Mathew ... Petitioners/Accused

Vs.

Abraham Mathew,
S/o.P.I.Mathew, Deputy General Manager,
New Ambadi Estate Pvt. Ltd.,
Kulasekaram,
Kanniyakumari District.

... Respondent/Defacto Complainant

PRAYER : Criminal Original petition is filed under Section 482 of Cr.P.C., to call for records relating to S.T.C. No.524 of 2016 on the file of the Judicial Magistrate Court, Padmanabhapuram and quash the same as illegal.

For Petitioners: Mr.MJ.Mahaboob Athiff,
for M/s.Ajmal Associates.

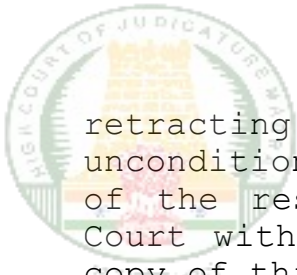
For Respondent : Mr.N.Ananthapadmanabhan

ORDER

The petitioners are facing trial in S.T.C.No.524 of 2016 on the file of the Judicial Magistrate, Padmanabhapuram.

2. It is a private complaint. The respondent filed the same for the offence under Section 500 of I.P.C. To quash the same, this criminal original petition has been filed.

3. The learned counsel appearing for the petitioners on instructions submitted that the legal notice sent to the respondent contained highly defamatory and offending expressions. The petitioners therefore agreed to file an affidavit before this Court



retracting the said statements and also expressing their unconditional apologies for having hurt the feelings and sentiments of the respondent. Such an affidavit shall be filed before this Court within a period of four weeks from the date of receipt of a copy of this order.

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4. It is stated that the communication was also sent to the employer of the respondent. The petitioners have agreed to send one more copy of the affidavit of apologies to the employer of the respondent making it clear that they do not intend to cast any aspersion on the character and conduct of the respondent. The learned counsel appearing for the respondent on instructions states that since the petitioners have agreed to perform these remedial actions, he would have no objection for quashing the impugned proceedings.

5. Recording the said undertaking given by the petitioners to do the aforesaid acts, the impugned prosecution stands quashed. The criminal original petition stands allowed, accordingly. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(Crl Side)

// True Copy //

Sub Assistant Registrar(CS)

pmu

To

1. The Judicial Magistrate,
Padmanabhapuram

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

+1CC TO MR.APN LAW ASSOCIATES, Advocate Sr. No. 102166

CRL.O.P.(MD)No.21528 of 2016 and
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GRL(CO)

TR(02.12.2019) 2P 4C