



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.12.2019

CORAM

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

Crl.O.P. (MD) No. 6587 Of 2016 and

CRL.M.P. (MD) No. 3306 of 2016

Murugan

... Petitioner/10th Accused

Vs.

T.S.P. Duraipandiyar

... Respondent/Complainant

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to call for the records relating to the impugned private complaint in C.C.No.144 of 2015 on the file of the learned Judicial Magistrate, Vilathikulam and quash the same.

For Petitioner : Mr.V.Sasikumar

For Respondent : Mr.T.R.Jeyapalam

O R D E R

The petitioner is shown as 10th accused in C.C.No.144 of 2015 on the file of the Judicial Magistrate, Vilathikulam.

2. The respondent herein is the complainant. It is a case arising under Section 500 of I.P.C.

3. The case of the complainant is that a representation containing false allegations against him was submitted by his rivals before the District Collector, Thoothukudi. In order to give prominence to the same, it was published in the newspaper. As a result of the publication made by the petitioner, the complaint that might have otherwise gone totally unnoticed came to be known resulting in bringing down of the reputation and honour of the complainant/respondent herein. That is why when he initiated prosecution against his rivals, he also included the petitioner herein as one of the accused.

4. To quash the same, this criminal original petition has been filed.

5. The learned counsel appearing for the respondent contended that the other accused filed quash petitions and that they were dismissed as withdrawn.

6. The petitioner's counsel states that the petitioner shall publish a notice of regret in the daily which carried the effective publication. The petitioner's counsel on instructions states that the petitioner is not having any intention to bring down the honour or reputation of the respondent herein and that he genuinely regrets the hardship and inconvenience caused to the complainant herein.



7. Since the petitioner has agreed to publish a notice of regret, I am of the view that the impugned proceedings need not be continued against the petitioner herein. The learned counsel appearing for the respondent on instructions also states that he would leave the issue to this Court. Therefore, the impugned proceedings stand quashed as regards the petitioner herein subject to the fulfillment of the undertaking given before me within a period of two weeks from the date receipt of a copy of this order. The petitioner shall also send a copy of the publication containing his regret directly to the respondent herein together with a covering letter.

8. The criminal original petition stands allowed on these terms. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To:

1. The Judicial Magistrate, Vilathikulam.

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

+1 CC to M/s.T.R.JEYAPALAM, Advocate (SR-106200[F] dated 20/12/2019

Crl.O.P.(MD)No.6587 of 2016
19.12.2019

SMA/05/06/2020/2P/4C