



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.11.2019

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P.(MD).No.15941 of 2017

and

Crl.M.P.(MD) Nos.10873 & 10874 of 2017

- 1) Thanneermalai
2) VR.Muthukaruppan
3) M.Kannappan ...Petitioners/ Respondents
- vs.
1. O.Muthu ...1st Respondent/ Complainant
2. M.Nagarajan ...2nd Respondent/4th Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to S.T.C.No.212 of 2017 on the file of Judicial Magistrate at Karaikudi and quash the same.

For Petitioners : Mr.V.Raghavachari
For Respondent No.1 : Mr.B.S.Manjunath
For R2 : No Appearance

ORDER

This Criminal Original Petition has been filed challenging the private complaint filed by the respondent/ complainant against the petitioners for an offense of criminal defamation.

2. It is seen from records that the petitioners have given a complaint against the respondent/ complainant to the effect that he has alienated the properties belonging to the Temple and has swindled the money. This complaint was given by the petitioners before the police.

3. The alienation also became the subject matter of challenge before this Court in W.P.(MD) No.14428 of 2017 and this Court had



already issued directions to recover all the properties by initiating proceedings to evict the encroachers. This order was confirmed in Appeal in W.A.(MD)No.651 of 2018 by an order dated 08.03.2018.

4. The present complaint has been filed on the ground that false and defamatory allegations have been made against the respondent/ complainant before the police.

5. The learned counsel for the petitioners submitted that the private complaint filed by the respondent/ complainant is a clear abuse of process of Court. The learned counsel submitted that the properties belonging to the Temple was alienated without any authority and it became the subject matter of challenge before this Court and this Court had also passed orders by giving directions to the authorities to recover the properties and therefore, the private complaint filed by the respondent/ complainant is clearly an attempt to arm-twist the petitioners.

6. The learned counsel appearing on behalf of the respondent/ complainant submitted that the complaint was given to the police and to the authorities by making false allegations and the same has defamed the respondent/ complainant. The learned counsel further submitted that sufficient allegations have been made in the complaint to make out the offense of criminal defamation and the petitioners must be made to face the trial before the court below.

7. This Court has carefully considered the submissions made on either side and the materials available on record.

8. The materials placed on record clearly reveals the fact that there have been a series of complaint against the respondent/ complainant and others to the effect that many properties belonging to the Temple have been alienated without any authority and without any prior permission of the Commissioner. This Court has taken cognizance of the same and has issued appropriate directions to the authorities to evict the encroachers. The present attempt made by the respondent/ complainant to project as if the allegations made in the complaint are defamatory, is clearly an abuse of process of law. The petitioners are entitled to give a complaint to the concerned authorities by making necessary allegations and those allegations made in good faith cannot be considered to be defamatory and the 8th exception to Section 499 of IPC clearly applies to the facts of the present case.

9. The continuation of the proceedings before the Court below will merely result in abuse of process of Court and it requires the interference of this Court in exercise of its jurisdiction under Section 482 of Cr.P.C.

<https://hcservices.courts.gov.in/hcservices/> result, the proceedings in S.T.C.No.212 of 2017 on



the file of learned Judicial Magistrate, Karaikudi is quashed and this Criminal Original Petition is allowed. Consequently connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

The Judicial Magistrate,
Karaikudi.

+1 CC to M/s.K.M.KARUNAKARAN, Advocate (SR-102244[F] dated
28/11/2019)

+1 CC to M/s.V. RAGHAVACHARI, Advocate (SR-102186[F] dated
28/11/2019)

Order made in
Crl.O.P. (MD) .No.15941 of 2017
27.11.2019

JMN(06.01.2020) 3P : 4C