



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.10.2019

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CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P.(MD).No.4460 of 2017

and

Crl.M.P.(MD) No.3198 of 2017

Dr.R.Gnanasambandam

... Petitioner/ 1st Accused

vs.

1) Dr.T.Pazhanivelrajan

... R-1/Complainant

2) Bhaskarapandian (Died)

... R-2/ 2nd Accused

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to call for the records relating to the proceedings in S.T.C.No.5606 of 2016 on the file of the learned District Munsif Cum Judicial Magistrate, Andipatti and quash the same.

For Petitioner : Mr.V.Karthikeyan

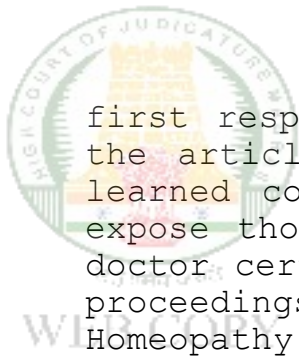
For Respondents : Mr.S.Sundaravadivel

O R D E R

This Criminal Original Petition has been filed seeking to quash the S.T.C.No.5606 of 2016 on the file of the learned District Munsif Cum Judicial Magistrate, Andipatti.

2. The first respondent has initiated a criminal complaint against the petitioner and another accused person for the offense of defamation. The case of the first respondent is that, in January 2016, a publication was made in Homeopathy Times journal, where the petitioner is the Editor and Publisher, to the effect that fake Homeopathy Doctor certificates have been issued and the name of the first respondent and one another doctor namely Dr.N.R.Narayanan has been mentioned. According to the first respondent, this has caused a serious damage to the reputation of the first respondent, since this Journal is published throughout the State and thereby the petitioner and other accused persons have committed the offense of defamation.

<https://hcservices.courts.gov.in/hcservices/> 3. The learned counsel for the petitioner submitted that the



first respondent cannot pick and choose one or two sentences from the article and the entire article has to be read on whole. The learned counsel submitted that the article was published only to expose those who are involved in the issuance of fake homeopathy doctor certificates. Learned counsel further submitted that already proceedings have been initiated in this regard by Tamil Nadu Homeopathy Medical Council and parallelly, there is also a police investigation that is going on. The persons who are responsible for issuing the false certificates have also been named in the investigation that is being conducted by the police.

4. Learned counsel therefore submitted that the issue involves public interest and the first respondent, instead of proving his certificate to be genuine, has attempted to stop the petitioner from exposing the fake doctor certificates issued.

5. The learned counsel for the respondents submitted that sufficient allegations have been made in the complaint and the same clearly makes out an offense for defamation and absolutely, there is no ground to interfere with the complaint at this stage.

6. Heard the submissions made by the learned counsel on either side and the materials available on record.

7. A careful reading of the complaint shows that a big article is written about the issuance of fake homeopathy doctor certificates. It is clear from the records that already the Tamil Nadu Homeopathy Medical Council has initiated proceedings and criminal prosecution has also been launched. This issue has assumed public importance since people cannot be exposed at the hands of persons claiming themselves as doctors by receiving a fake certificate.

8. It is a well settled position of law that it is not a defamation, if anything is expressed in good faith and it is not a defamation, to impute anything which is true concerning any person, if it be for the public good. In the present case, the issue involves the issuance of fake certificates and there are sufficient materials to show that exhaustive prosecution has been launched in this regard and the persons who are responsible for the issuance of fake certificates are being prosecuted.

9. In the considered view of this Court, the article that has been published by the petitioner cannot be stated to be defamatory and it clearly falls under the exception to Section 499 of IPC. The proceedings as against the petitioner is an abuse of process of Court and the same requires the interference of this Court in exercise of its jurisdiction under Section 482 of Cr.P.C.

10. In the result, the proceedings in S.T.C.No.5606 of 2016 on <https://hdc.tn.judges.courtsgov.in/fcserve.htm> learned District Munsif Cum Judicial Magistrate,



Andipatti is quashed, insofar as the petitioner is concerned. Accordingly, the Criminal Original Petition is allowed. Consequently, connected Crl.M.P.(MD)No.3198 of 2017 is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

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To

1. The District Munsif Cum
Judicial Magistrate,
Andipatti
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.V.KARTHIKEYAN, Advocate (SR-92746[F] dated
18/10/2019)

Order made in
Crl.O.P.(MD).No.4460 of 2017
Dated: 17.10.2019

JMN(12.11.2019) 3P : 4C