

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.02.2020

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.14069 of 2014
and
Crl.M.P.No.1 of 2014

K.Lakshmipathi

... Petitioner

Vs.

C.D.S.Yadav

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records to C.C.No.335 of 2013 on the file of Court of Judicial Magistrate, Alandur and quash the same.

For Petitioner : M/s.Prakash Goklaney
For Respondent : M/s.M.Selvaraj

ORDER

This Criminal Original Petition has been filed seeking to quash the proceedings in C.C.No.335 of 2013, pending on the file of the Judicial Magistrate Court, Alandur.

2.The petitioner is an accused in a private complaint filed by the respondent before the learned Judicial Magistrate, Alandur in C.C.No.335 of 2013 on the allegations that the petitioner, who was worked as Principal in Kendriya Vidhyalaya, Meenambakkam, has issued a Memorandums dated 10.02.2011 and 15.02.2011 against the respondent in the midst of the staff of the school as if the respondent was entered into the chamber of the petitioner on 07.02.2011 and started shouted indiscriminately against him and the said memorandums were put on the notice of other staff of school.

3.The learned counsel for the petitioner would submit that the petitioner did not make out an offence under Section 500 of IPC and there is nothing in the complaint to show that such memorandums were published anywhere by bringing the same to the notice of the other staff of the school and further there is no witness cited in the complaint to show the publication of such notice. He would further submit that the ingredients of Section 500 of IPC are not made out a case of defamation and therefore, the complaint in any event is liable to be quashed as no case has been made out against the petitioner.

4.The learned counsel for the respondent would submit that in order to defame the respondent, the petitioner has issued two memorandums dated 10.02.2011 and 15.02.2011 in the midst of the other teachers and to bring down the reputation of the respondent among the staff members. Therefore, the act of the petitioner amounted to defamation. The points raised by the learned counsel for the petitioner are to be taken only during the trial and not in this quash petition.

5.It is seen that the issues that have been raised by the learned counsel for the petitioner are factual in nature and this Court is not in a position to appreciate these facts and it is only the Court below which has to consider the same in the course of proceedings on its own merits and in accordance with law. This Court does not want to interfere with the proceedings and it is left open to the petitioner to raise all the contentions before the Court below in the course of trial.

6.In the result this Criminal Original Petition stands dismissed by giving liberty to the petitioner to raise all the issues before the Court below and the appearance of the petitioner before the Trial Court is dispensed with.

However, this order will not stand on the way of the Trial Court to insist for the appearance of the petitioners for receiving copies under Section 207 of Cr.P.C., framing of charges, questioning under Section 313 of Cr.P.C. and judgment and as and when the Trial Court feels it necessary. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

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To

The Judicial Magistrate,
Alandur.

+2cc to Mr.Prakash Goklaney, Advocate, S.R.No. 11047

Cr1.O.P.No.14069 of 2014

SSI(CO)
GN(18/03/2020)