

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 23.11.2020

PRONOUNCED ON : 02.12.2020

CORAM:

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Crl.O.P.No.4380 of 2017 and
Crl.O.P.Nos.1179 & 5443 of 2020 and Crl.R.C.No.278 of 2020 and
Crl.M.P.No.3264 of 2017 and Crl.M.P.Nos.740, 741 & 1634 of 2020

1.T.Sitharthan
2.P.Muraleedharan
3.P.Masil Jeyamohan
4.L.Chendurnathan
5.Y.Venkateshwarlu
6.P.Gunasekharan

...Petitioners
in Crl.O.P.No.4380 of 2017

1.S.K.Roy
2.C.Muthuvel
3.L.R.Ravichandran
4.Sathyavani
5.Smitha Rajeevan
6.Chithra
7.Kalyani
8.S.Poongodi
9.Anuradha
10.S.Venkatesh
11.Rajasekar
12.Mani
13.Nagarajan

..Petitioners
in Crl.O.P.No.1179 of 2020
..Petitioner
in Crl.O.P.No.5443 of 2020
and Crl.R.C.No.278 of 2020
and Crl.O.P.No.1179 of 2020

Dr.K.Rayar

Vs.

..Respondent
in Crl.O.P.No.4380 of 2017

1.S.K.Roy
2.T.Sidharthan
3.P.Muraleedharan
4.P.Masil Jeyamohan
5.L.Chendurnathan
6.Y.Venkateshwarlu
7.C.Muthuvel
8.P.Gunasekaran

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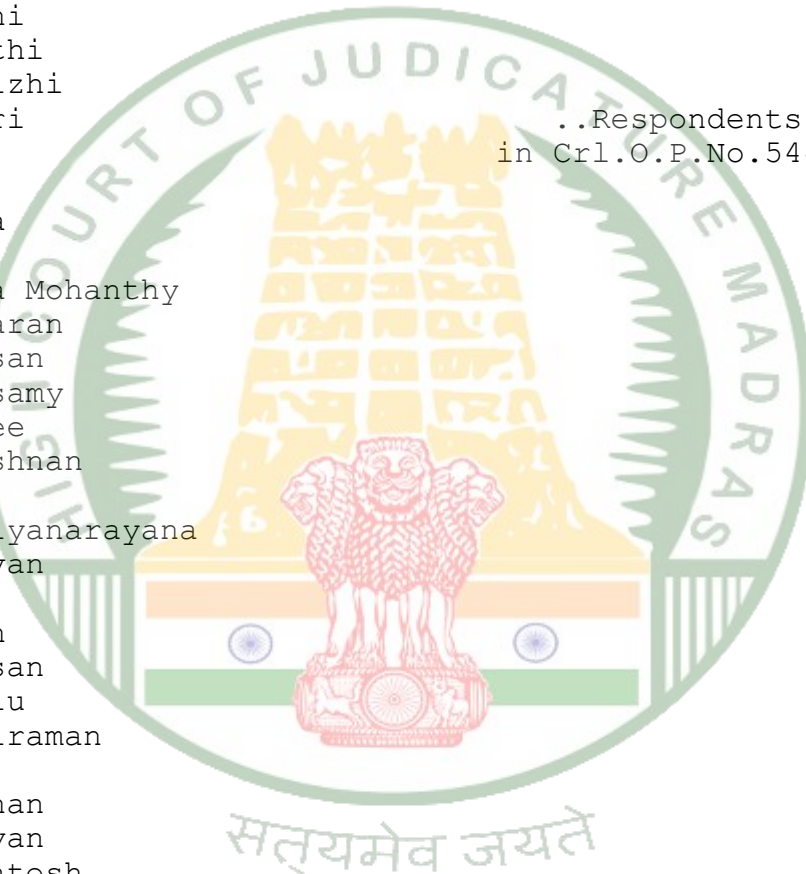
9.L.R.Ravichandran
10.S.Sathyavani
11.Smitha Rajeevan
12.Chithra
13.J.Kalyani
14.S.Poongodi
15.Anuradha
16.S.Venkatesh
17.K.Mani
18.Rajasekar
19.K.Mani
20.K.P.Nagarajan
21.A.Nagarani
22.S.Banumathi
23.G.Malarvizhi
24.P.Savithri

..Respondents
in CrI.O.P.No.5443 of 2020

1.S.K.Roy
2.V.K.Sharma
3.M.R.Kumar
4.Siddhartha Mohanthu
5.R.Dhamodharan
6.K.Kathiresan
7.R.Pazhanisamy
8.G.Jayashree
9.N.Ramakrishnan
10.P.Durai
11.S.V.Sathiyannarayana
12.S.Vasudevan
13.B.Murthy
14.S.Gopalan
15.K.Murugesan
16.R.Jayavelu
17.B.Thulasiraman
18.A.Kumar
19.P.Saravanan
20.T.Muthaiyan
21.V.P.Venkatesh
22.G.Gunasekaran
23.Raman
24.A.Udhayabharathi
25.G.Babu

..Respondents
in CrI.R.C.No.278 of 2020

Common Prayer in CrI.O.P.No.4380 of 2017 and CrI.O.P.No.1179 of 2020 : Criminal Original Petitions filed under Section 482 Cr.P.C. to call for the records in C.C.No.12 of 2017 on the file of the Judicial Magistrate Court No.I, Villupuram and quash the same.



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Prayer in Crl.O.P.No.5443 of 2020 : Criminal Original Petition filed under Section 482 Cr.P.C. to direct the Judicial Magistrate No.I, Villupuram, to dispose of the case in Crl.M.P.No.212 of 2019 in C.C.No.12 of 2017 as speedy trial within a stipulated time as fixed by this Court.

Prayer in Crl.R.C.No.278 of 2020: Criminal Revision Petition filed under Section 397 r/w 401 Cr.P.C. to set aside the order dated 02.01.2020 passed in Crl.M.P.No.Nil of 2019 in C.C.No.12 of 2017 on the file of the Judicial Magistrate Court No.I, Villupuram.

For Petitioners in
Crl.O.P.No.4380 of 2017
and Crl.O.P.No.1179 of 2020 : Mr.Manoj Sreevalsan

For Petitioner in
Crl.O.P.No.5443 of 2020
and Crl.R.C.No.278 of 2020 : Dr.K.Rayar
Party-in-Person

For Respondent in
Crl.O.P.No.4380 of 2017
and Crl.O.P.No.1179 of 2020 : Dr.K.Rayar
Party-in-Person

For Respondents in
Crl.O.P.No.5443 of 2020
and Crl.R.C.No.278 of 2020 : Mr.Manoj Sreevalsan

COMMON ORDER

Heard Mr.Manoj Sreevalsan, learned counsel for the petitioners in Crl.O.P.No.4380 of 2017 and Crl.O.P.No.1179 of 2020 and respondents in Crl.O.P.No.5443 of 2020 and Crl.R.C.No.278 of 2020 and Dr.K.Rayar, Party-in-Person.

2. The brief facts of the case are as follows:

2.1 Dr.K.Rayar was working as Development Officer in Life Insurance Corporation (LIC), Villupuram. He was removed from service on 12.04.2005, challenging which, he approached this Court on the writ side and an order of reinstatement was passed. The Supreme Court also confirmed the order passed by this Court.

2.2 While that being so, Dr.K.Rayar filed a private complaint in C.C.No.12 of 2017 in the Court of Judicial Magistrate No.I, Villupuram, for criminal defamation under Section 499 r/w 500 IPC, against twenty persons including the Chairman of LIC and other officials, for quashing which, the petitioners/accused have filed Crl.O.P.No.4380 of 2019 and Crl.O.P.No.1179 of 2020 under Section 482 Cr.P.C.

2.3 During the pendency of the trial in C.C.No.12 of 2017, Dr.K.Rayar filed a petition to include five more persons, including two retired Chairpersons of LIC, as co-accused, which was dismissed by the trial Court on 02.01.2020, aggrieved by which, Dr.K.Rayar has filed Crl.R.C.No.278 of 2020 under Section 397 r/w 401 Cr.P.C. He has also filed Crl.O.P.No.5443 of 2020 under Section 482 Cr.P.C. for a direction to the trial Court to complete the trial in C.C.No.12 of 2017 expeditiously.

3. This matter was heard in the open Court on 23.11.2020. Mr.Manoj Sreevalsan, learned counsel for the petitioners took this Court through the complaint in C.C.No.12 of 2017 filed by Dr.K.Rayar and submitted that it does not disclose any offence, much less the offence of defamation to prosecute the Chairman and all the Senior Officers of LIC for having taken disciplinary action against him.

4. Per contra, Dr.K.Rayar embarked on an emotional harangue setting out as to how he has been victimized by everyone in the society. He stated that in 2013, he was a member of the Coir Board and contested the election for Vice Chairman, but, Mrs.Sonia Gandhi, Mr.P.Chidambaram, Mr.G.K.Vasan and all Congress leaders tried to spoil his chances; however, the then President of India Shri. Pranab Mukherjee came to his rescue and directed that the nomination paper should be furnished to him. He also referred to the name of the Hon'ble Prime Minister of India, Mr.Narendra Modi.

5. To appreciate the rival submissions, it may be pertinent to extract the complaint in C.C.No.12 of 2017 verbatim:

"(2) It is submitted that Rayar Complainant herein was appointed as Agent on sated 18.11.1981 and he was promoted as Development Officer on dated 17.09.1987 and successfully completed 33 years of service.

(3) It is submitted that, he was removed from the service vide order dated 12.04.2005 and the complainant herein was challenged the same before court of law, the Hon'ble High Court of Madras passed dated 26.11.2008 order in his favour. Further the said order was challenged by the LIC of India before the Hon'ble High Court of Madras and same was dismissed. LIC of India again challenged the same before the Hon'ble Supreme Court of India and the Apex Court was pleased to dismiss the Civil Appeal Nos.5186-5187 by dated 29.07.2015 order.

(4) It is submitted that, the Senior Divisional Manager was reinstated me in the services of the Corporation by dated 19.08.2015 order.

(5) It is submitted that, after reinstated to the

service of LIC of India, I have achieved No.1 Rank for the Financial year 2015-2016.

(6) It is submitted that, regard to the arrears payable in complainant favour the grievance meeting was held in the Committee Room of Zonal Office, Chennai, on dated 01.02.2016 at 11.00 a.m. presided by the accused 3 to 6 herein, and they have agreed to pay the arrears as per the norms of LIC of India. As per their commitment, I am yet to receive the benefit of arrears.

(7) It is submitted that, at that juncture, I was applied for the post of Board Member of LIC of India.

(8) It is submitted that, the accused 1 to 20 herein have common intention with undue criminal conspiracy they are acting to damage the complainant reputation before the society, LIC of India, since the complainant herein have applied for Board Member in LIC of India.

(9) It is submitted that, the accused 10 to 20 herein are daily harassing complainant herein in the Villupuram LIC office and using the filthy language against complainant family reputation, having common intention to damage complainant reputation before the society to avoiding him to appointed as Board member of LIC of India.

(10) In said circumstances, on dated 09.04.2016, at afternoon 1.45 p.m., during march completion, complainant was sat in his cabin, under the head of the Sathyavani, who is 10th accused herein with undue criminal conspiracy with the other accused herein, with the help of 25 physically strong men threatened him and used filthy language against him and spoiling complainant family reputation.

It is submitted that, this Hon'ble Court may be pleased to mark the list of documents filed by him along with this private complaint may be read and treated as kind perusal of records. Hence, this private complaint."

6. As rightly submitted by Mr.Manoj Sreevalsan, the above complaint does lack the minimum requirement even for questioning the accused under Section 251 Cr.P.C. In Manoj Mahavir Prasad Khaitan Vs. Ram Gopal Poddar and Another¹, the Supreme Court has stated that the High Court should quash a frivolous complaint, if the allegations therein borders on absurdity. This is one such case.

7. As regards CrI.R.C.No.278 of 2020, a person can be impleaded as a co-accused in a pending trial only under Section

¹ (2010) 10 SCC 673

319 Cr.P.C. and not in a petition filed before the commencement of trial. Therefore, the trial Court was right in dismissing the impleading petition filed by Dr.K.Rayar. Hence, Crl.R.C.No.278 of 2020 deserves to be dismissed.

In the result:

- Crl.O.P.No.4380 of 2017 and Crl.O.P.No.1179 of 2020 preferred by the accused in C.C.No.12 of 2017 seeking quashment of the said prosecution against them, are allowed;
- Crl.R.C.No.278 of 2020 filed by Dr.K.Rayar challenging the order of dismissal of his impleading petition stands dismissed; and
- Crl.O.P.No.5443 of 2020 filed by Dr.K.Rayar seeking expeditious trial in C.C.No.12 of 2017 is dismissed as having become infructuous.

Connected Crl.M.Ps. are closed.

Sd/-

Assistant Registrar

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Sub Assistant Registrar

NSD
To

The Judicial Magistrate No.I,
Villupuram.

Crl.O.P.No.4380 of 2017
and Crl.O.P.Nos.1179 & 5443 of 2020
and Crl.R.C.No.278 of 2020

RSI (CO)
rv(27/01/2021)

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