



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.03.2020

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THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

Crl.O.P. (MD) No.8031 of 2018 and
Crl.M.P. (MD) No.3658 of 2018

Selvaraj ... Petitioner/ Accused No.1
Vs
1. State rep. by,
The Inspector of Police,
Thattarmadam police station,
Thoothukudi District.
(Crime No.108 of 2015) ... 1st Respondent/Complainant
2. Gnanamuthu ... 2nd Respondent/
Defacto complainant

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to call for the records in S.T.C.No.580 of 2017 on the file of the learned Judicial Magistrate, Sathankulam, Thoothukudi District and quash the proceedings as against the petitioners herein.

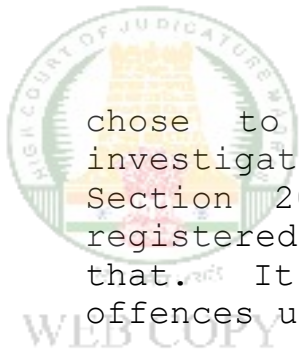
For Petitioner : Mr.A.Thiruvadi Kumar
For R-1 : Mr.A.Robinson,
Government Advocate (Criminal Side).
R-2 : Died

O R D E R

This criminal original petition has been filed for quashing the proceedings in S.T.C.No.580 of 2017 on the file of the Judicial Magistrate, Sathankulam, Thoothukudi District.

2. The second respondent is the complainant. He is said to be no more. The petitioner could not get the particulars because the same was not made available.

3. This Court went through the entire materials on record. It is seen that Gnanamuthu had originally filed a private complaint under Section 200 of Cr.P.C. for punishing the petitioner and four other accused for having committed the offence under Section 500 of I.P.C. Instead of taking a decision as to whether the complaint should be taken or not, the learned Magistrate



chose to give a direction to the Inspector of Police to investigate and file a report. Based on the said direction under Section 200 of Cr.P.C., First Information Report came to be registered in Crime No.108 of 2015. The issue did not stop with that. It culminated into a final report and cognizance of the offences under Sections 147, 120(B) and 500 of I.P.C. was taken.

4. The core contention of the second respondent herein was that the accused had committed the offence of defamation. Such an offence is to be tried only by way of filing a private complaint under Section 199 of Cr.P.C. The question of police investigation for the offence under Section 500 of I.P.C. does not arise. Both the learned Magistrate as well as the jurisdictional police have proceeded on an entire misconception of law.

5. In this view of the matter, the impugned proceedings stand quashed. The criminal original petition stands allowed. The benefit of this order will enure in favour of the non-petitioning accused also. Consequently, connected miscellaneous petition is closed.

sd/-

Assistant Registrar(AD II)

/True Copy/

Sub Assistant Registrar()

TO

1. THE JUDICIAL MAGISTRATE,
SATHANKULAM,
THOOTHUKUDI DISTRICT.
2. THE INSPECTOR OF POLICE,
THATTARMADAM POLICE STATION,
THOOTHUKUDI DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1CC to M/s.A.THIRUVADIKUMAR, Advocate(SR-9706[F] dated 03/03/2020)

Order made in
Crl.O.P. (MD) No.8031 of 2018 and
Crl.M.P. (MD) No.3658 of 2018
02.03.2020