



WEB COPY

Crl.O.P. (MD)No.14750 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:11.03.2020

CORAM:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P. (MD)No.14750 of 2016

and

Crl.M.P. (MD)Nos.6913 and 6914 of 2016

1.S.N.Natarajan
2.S.Prakash
3.T.Kalirajan
4.M.Kumar

... Petitioners/ Accused No.1-4

vs.

1.K.Natarajan

... Respondent/ Complainant

PRAYER: Criminal Petition filed under Section 482 of Cr.P.C., to call for the records in connection with the impugned private complaint in S.T.C.No.75 of 2016, pending on the file of the learned Judicial Magistrate, Sivakasi and quash the same.

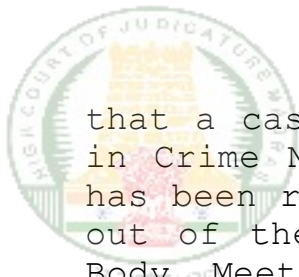
For Petitioners : Mr.N.Sathishbabu

For Respondent : Mr.R.Karunanidhi

ORDER

1.The petitioners herein are the office bearers of the Annavi Thottam Hindu Nadar Uravin Murai Sangam. The erstwhile Secretary of the Sangam one Mr.K.Natarajan has filed a complaint against them before the learned Judicial Magistrate, Sivakasi, alleging defamation committed by the petitioners. The complaint has been taken on file in S.T.C.No.75 of 2016, before the said Magistrate, challenging the same and seeking to quash the complaint, the present petition is filed.

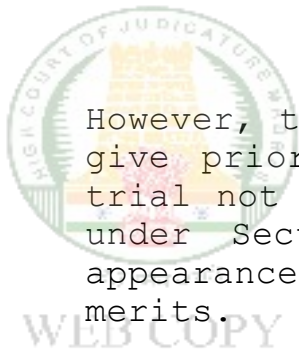
2.As per the complaint filed by Mr.K.Natarajan, the respondent herein, who was the Secretary of the Sangam for the past 20 years till 2010, after he demitted the office, allegations were made against him for misappropriation of funds and property of the Sangam, particularly on 11.01.2015, a public notice in the name of the petitioners counsel was published in Dinamalar daily alleging



that a case has been registered with Sivakasi Town Police Station in Crime No.704 of 2014, in respect of the house property, which has been registered in the name of the respondent/complainant from out of the Sangam fund. Likewise, while intimating the General Body Meeting of the Sangam on 13.09.2015 through pamphlets, certain defamatory statements have been made against the respondent/de-facto complainant stating that the house, which was purchased in the name of the de-facto complainant from out of the Sangam fund, has been re-conveyed to the Sangam after much persuasion and the said Natarajan/respondent was due to pay a sum of Rs.4,06,200/- to the Sangam. Relying upon these two documents, the defamation complaint has been filed.

3.The petitioners submit that there is imputation in these two documents which give an inference that the petitioners have published the notice and pamphlets to defame the respondent/de-facto complainant. A reading of these two documents indicate that pendency of Crime No.704 of 2014, against the respondent/de-facto complainant, is borne by records and is a true fact. The subject matter of that criminal complaint which is the house property held by the de-facto complainant. From the pamphlet, which is the second document, it is informed to the public that after pendency of the case for one year, Natarajan has re-conveyed the property in favour of the Sangam. There is no word, which could attribute any defamatory information. However, from the information mentioned in serial No.12 of the pamphlet issued to the office bearers, who are all the accused/petitioners herein in the defamation case, this Court finds that there is *prima facie* material for prosecution, because there is an imputation in this case against the respondent to indicate that he owes a sum of Rs.4,06,200/- to the Sangam and he is over due in paying the said money, which includes non-payment of chit subscription. In an invitation notice for the General Body Meeting, mentioning about the non-payment of subscription and due by the erstwhile office bearers is unwarranted. Despite that, the petitioners have chosen to make public about this default in payment so as to impress upon the general publication that the respondent is not a man. If this statement happens to be given with an intention to defame the respondent, then, the petitioners will be liable for punishment under Section 500 of IPC. Whether there was an intention to defame and whether the imputation is exempted by any of the category enumerated under Section 499 of IPC is a matter of trial. Hence, this Court finds that there are sufficient materials to prosecute the petitioners for defamation. The petitioners cannot short-circuit the trial by way of petition under Section 482 of Cr.P.C., to quash the proceedings.

4.Hence, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petitions are closed.



However, the learned Judicial Magistrate, Sivakasi, is directed to give priority to this case and dispose of it on merits on the trial not later than 30th October 2020. If any petition is filed under Section 205 of Cr.P.C., seeking exemption for personal appearance of the accused persons, the same may be considered on merits.

Sd/-

Assistant Registrar(CS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To

The Judicial Magistrate, Sivakasi.

+1 CC to M/s.N.SATHISH BABU, Advocate (SR-11281[F] dated 12/03/2020)

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