



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.02.2020

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THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

Crl.O.P. (MD) Nos.14910 & 14911 Of 2016
and
CRL.M.P. (MD) Nos.6997 to 6999 & 7091 of 2016

Nalini Sarangan,
Deputy Secretary,
State DMK Women's Wing,
Anna Arivalayam,
Chennai.

... Petitioner/Accused
in both criminal original petitions.
Vs.

Public Prosecutor,
Tirunelveli.

... Respondent/Complainant
in both criminal original petitions.

Common Prayer: Criminal Original petitions are filed under Section 482 of Cr.P.C, to call for the records relating to the complaints in Special Case No.22 of 2013 on the file of the III Additional District and Sessions Judge, Tirunelveli and Special Case No.20 of 2013 on the file of the I Additional District and Sessions Judge, Tirunelveli and to quash the same as illegal.

(in both Crl.O.Ps.)

For Petitioner : Mr.N.Satheeshkumar,
for Mr.M.A.Palanisamy.

For Respondent : Mr.A.Robinson,
Government Advocate(Crl. Side)

* * *

C O M M O N O R D E R

The petitioner herein is facing trial in Special Case Nos.20 and 22 of 2013 on the file of the I Additional District and Sessions Judge, Tirunelveli and the III Additional District and Sessions Judge, Tirunelveli, respectively.

2. These are the private complaints instituted by the respondent for the offence under Section 500 of I.P.C. The petitioner herein had referred to the former Hon'ble Chief Minister of Tamil Nadu in a highly derogatory terms. But then, the defamatory imputations did not pertain to the discharge of public duties by the then Chief Minister.



3. Following the catena of the decisions rendered by the Hon'ble Supreme Court, this Court vide order dated 18.06.2018 in Crl.O.P.(MD)Nos.22263 and 22300 of 2013 held as follows:-

" 11.This Court went through the defamatory words said to have been uttered by the petitioner/accused. No doubt they are per se defamatory. But then, they do not in any way pertain to the public function discharged by the then Hon'ble Chief Minister. It is of course saddening to note the low and vulgar of level practical discourse. The party to which the petitioner belongs is directly opposed to the party headed by the person defamed in this case. Therefore, while attacking political opponent, who happened to be the Chief Minister of the State during the relevant time, reckless and vulgar statements have been employed. But, they do not have a direct bearing on the public function discharged by her. Therefore, this Court is of the view that in a case of this nature, the office of the Public Prosecutor cannot be used. In such cases, the person concerned must avail the remedy set out in law to a person personally aggrieved. The Public Prosecutor cannot institute a private complaint taking cudgels on behalf of the person defamed. "

4. In this view of the matter, the proceedings in Special Case Nos.20 and 22 of 2013 on the file of the I Additional District and Sessions Judge, Tirunelveli and the III Additional District and Sessions Judge, Tirunelveli, respectively stand quashed. The criminal original petitions stand allowed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar ()

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/ /2020

Sub Assistant Registrar(CS)

pmu

To:

1. The III Additional District and Sessions Judge,
Tirunelveli.

2.The I Additional District and Sessions Judge,
Tirunelveli.



3. The Public Prosecutor,
Tirunelveli.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+2 CC to Mr.N.SATHISH KUMAR, Advocate (SR-6463,6464[F] dated
14/02/2020)

Cr1.O.P. (MD) Nos.14910 & 14911 of 2016
13.02.2020

VB(05.06.2020) 3P 7C