



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 09.03.2020

Delivered on : 16.03.2020

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CORAM:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

CrI.O.P.(MD)No.8900 of 2016

and

CrI.M.P.(MD)Nos.4382 and 4383 of 2016

Smt.Indhira Padmini

... Petitioner/1st Respondent

Vs.

D.Vasantha Malliga

... Respondent/ Complainant

Prayer:- Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to P.R.C.No.13 of 2016 on the file of the learned Judicial Magistrate, Additional Mahila Court, Madurai, and quash the same insofar as the petitioner is concerned.

For Petitioner : Mr.D.Sadiq Raja

For Respondent : Mr.B.Janath Ahmed @ Janarth Kumar

ORDER

1.The petitioner herein is the first accused in a private complaint given by the respondent herein for the alleged offences under Sections 3(i) (ix), 3(i)(x), 3(2)(vi), 3(2)(vii) and 4 of the Scheduled Caste and Scheduled Tribes [Prevention of Atrocities] Act, 1989 [hereinafter referred to as 'the SC/ST Act']] and Section 4 of the Tamil Nadu Prohibition of Women Harassment Act.

2.The learned Judicial Magistrate, Additional Mahila Court, Madurai, has taken the said private complaint on file and assigned P.R.C.No.13 of 2016 and issued summons to the petitioner herein. Contending that the complaint does not make out any offence as alleged, the present petition is filed to quash the proceedings.

3.The brief facts stated in the complaint are that the respondent/complainant viz., D.Vasantha Malliga while working as Senior Manager of Indian Overseas Bank, Dindigul Branch, one

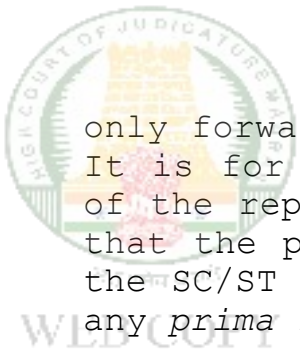


Veeraraghavan, Senior Manager of the same Branch, has abused her in filthy language, harassed her and caused insult using her community name. Hence, she has given a complaint to the police, which was registered in Crime No.1 of 2014, on the file of the Madurai Town All Women Police Station. While so, the complaint forwarded by her to the National Commission for Scheduled Caste was taken up for enquiry and the National Commission sought for report from the petitioner, who was then working as General Manager, Human Resources Development Department, Indian Overseas Bank, at its Head Office, Chennai. In response to the notice from the National Commission for Scheduled Caste, the petitioner herein has forwarded her report with false information so as to help the said Veeraraghavan. Particularly, in the report, this petitioner has given information defamatory in nature against the respondent/complainant by stating that the respondent has deserted her husband and married a Christian and also having illicit relationship with one Tamil Oli. Though the personal informations are not at all relevant for the enquiry pending with the National Commission for Scheduled Caste, the petitioner has added these false informations to defame the respondent/complainant. Hence, the provisions of the SC/ST [PoA] Act is attracted.

4. Petitioner herein has sought for the interference of this Court and quash the above said complaint by exercising the power under Section 482 Cr.P.C. on the ground that she has no proximity with the respondent/complainant. When the Commission called for report from her, being the Superior Officer in the Organization, she collected information from the ground level Officers and forwarded the same to the Commission to facilitate the enquiry. She has not acted against the respondent/complainant and she has no necessity to defame the respondent/complainant. It is the fertile imagination of the respondent/complainant that the petitioner has defamed her by informing her personal life. As a Senior Officer and In-charge of Human Resources Development Department, she has discharged her duty by collecting the information from the ground level Officers and has forwarded the report to the Commission, for its appreciation. Since the report is not in favour of the respondent/complainant, she with *mala fide* intention to wreck vengeance, has filed the criminal complaint against this petitioner, who is innocent and had no intention to defame or harass anyone.

5. The petitioner content that, the respondent/complainant, who have some personal enmity with the second accused Veeraraghavan, had already initiated criminal prosecution and the same is pending. While so, for the very same set of facts, she has also gave a representation to the National Commission for Scheduled Caste at New Delhi, in turn the Commission has called for report from the petitioner.

<https://hccorps.ecourts.gov.in/services>



only forwarded the report received from the ground level Officers. It is for the Commission to consider the veracity of the content of the report. In this sequence of event, the complaint alleging that the petitioner has committed offence under the provisions of the SC/ST [PoA] Act is baseless and case is taken on file without any *prima facie* material. Hence, the same has to be quashed.

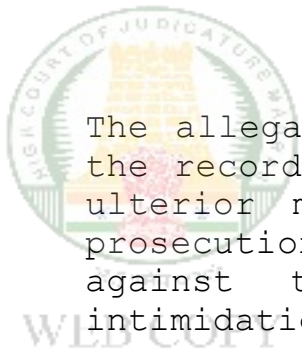
6.Heard the learned counsel appearing for the petitioner/first accused and the respondent/complainant.

7.A reading of the complaint indicates that the respondent/complainant while working in Dindigul, had difference of opinion with her colleague Veeraraghavan and therefore, she has already launched a criminal complaint against him, which is pending. Without stopping with the criminal complaint, the respondent/complainant has also chosen to give representation to the National Commission for Scheduled Caste. The Commission has called for report from the Management regarding the content of the complaint given by the respondent. In the course of discharging the duty, the petitioner herein, being the General Manager, working at Chennai, has called for report from the respective Bank Branch Managers and Zonal Managers. The report received from the Branch Managers and the Zonal Managers has been forwarded to the National Commission by this petitioner.

8.The contention of the respondent/complainant is that informations about her personal life namely, deserting her first husband, marrying a Christian as second husband and having illicit relationship with one Tamil Oli, are personal informations and not relevant to the enquiry, the same which ought not to have been stated in the report, had been added in the report only to defame her.

9.Under what context, these personal informations were included in the report of the respondent and whether it is relevant for the enquiry pending before the Commission are the matter to be decided only by the Commission, which has received the report and seized the matter.

10.On the face of the complaint, this Court finds that the inclusion of alleged defamatory information is noway an utterance or disclosure with intention to cause injury or insult to the respondent/complainant. This information given pursuant to the notice of the National Commission, noway attracts the provision of the SC/ST [PoA] Act, since it is not done to injure or annoy the member of the Scheduled Caste Community, but to assist the Commission to find out whether the complaint given by the respondent/complainant is true. Therefore, this Court finds that



The allegation of offence in P.R.C.No.13 of 2016, on the face of the record, appears to be motivated, ill-conceived and filed with ulterior motive to rope the Senior Officials in the criminal prosecution so as to prevent them from taking disciplinary action against the respondent/complainant, for unbecoming act of intimidation.

11.Hence, this Criminal Original Petition is allowed and the proceedings in P.R.C.No.13 of 2016, on the file of the learned Judicial Magistrate, Additional Mahila Court, Madurai, is quashed in respect of the petitioner alone. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS)

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Sub Assistant Registrar(CS)

To

The Judicial Magistrate,
Additional Mahila Court,
Madurai.

+1 CC to M/s.PALA.RAMASAMY, Advocate(SR-12379[F] dated 18/03/2020)

Pre-delivery order in
CrI.O.P.(MD)No.8900 of 2016

16.03.2020

SPU(08.05.2020) 4P 2C