



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 24.11.2021

Coram:

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THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Crl.O.P.No. 13970 of 2016

P.Jayabal
Public Information Officer cum Executive Engineer
Office of the Executive Engineer
TNEB, Vellochandai
Palacode Taluk, Dharmapuri District ...Petitioner
Vs.
R. Sasikumar ...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records relating to the impugned complaint in CC No. 2450 of 2016 on the file of the Court of the XVIII Metropolitan Magistrate, Saidapet, Chennai and quash the same.

For Petitioner : Mr.C.D. Johnson

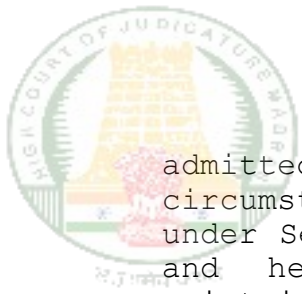
Respondents : Mr.Gunasekaran

O R D E R

The present criminal original petition is filed to call for and quash C.C.No.2450 of 2016 on the file of the Court of the XVIII Metropolitan Magistrate, Saidapet, Chennai.

2. The petitioner/accused is working as a Public Information Officer-cum-Executive Engineer in the Tamil Nadu Electricity Board, Vellochandai, Palacode Taluk, Dharmapuri District. Earlier some information was sought by the neighbour of the complainant regarding a departmental enquiry conducted against the complainant, for which the petitioner has given as an information officer, a reply. According to complainant, it defamed his name. Hence, the complaint, and learned Magistrate taken cognizance for the offence u/s 500 IPC and issued process which is sought to be quashed in the present petition.

3. Learned counsel for the petitioner would submit that, the petitioner was working as a Public Information Officer and in discharge of his public duty he has given information sought by some third parties regarding an enquiry conducted against the complainant, all the information given by the petitioner is,



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admittedly, true. He further states that in the above circumstances the act of the petitioner would squarely fall under Second Exception to Section 499 of Indian Penal Code (IPC) and hence the complaint against the petitioner is not maintainable.

4. Learned counsel appearing for the respondent would oppose the same stating that even though the petitioner was a Public Information Officer he is not supposed to give personal details of the complainant to a third party. It is in violation of the provisions of the Right to Information Act, 2005. In such circumstances, the learned Magistrate, prima facie, satisfied with the allegation made therein and taken cognizance of the matter and issued process and there is no reason to interfere to the same.

5. I have considered rival submissions and perused the material. On a perusal of the complaint and other material it is seen that the petitioner was working as a Public Information Officer and given some information regarding the enquiry conducted against the petitioner, admittedly, all information given by the petitioner are true and he has not given any false information. The petitioner only discharged his duty conferred on him under the Right to Information Act. As rightly contended by the learned counsel for the petitioner, the case of the petitioner would squarely fall under Second Exception to Section 499 IPC, and no offence is made out against the petitioner.

6. In the above circumstances, I am of the considered view, no prima facie case is made out against the petitioner and the Criminal Proceedings are only liable to be quashed. In the result, this Criminal Original Petition is allowed and the complaint in C.C.No.2450 of 2016, on the file of the XVIII Metropolitan Magistrate, Saidapet, Chennai is set aside.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To,

The XVIII Metropolitan Magistrate, Saidapet, Chennai.

CrI.O.P.No. 13970 of 2016&
MP.No.1 of 2015

BR(CO)

A.SK(08.12.2021)