



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.07.2021

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CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.7128 of 2021 and
Crl.M.P.Nos.4744 & 4745 of 2021

1.M.Mala
2.K.Vimala
3.R.Shanthi

...Petitioners/Accused 2&4

Versus

S.Sundaresan

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to the criminal case in C.C.No.14312 of 2009 on the file of the Ld. IX Metropolitan Magistrate Court, Saidapet, Chennai, quash the same by allowing this criminal original petition.

For Petitioners : Mr.N.Manokaran

For Respondent : Mr.R.Rajasekaran

ORDER

This Criminal Original Petition has been filed to quash the proceedings in C.C.No.14312 of 2009, pending on the file of the IX Metropolitan Magistrate Court, Saidapet, Chennai.

2.The gist of the case is that the respondent/complainant is a practising Advocate before this Court and the Madurai Bench of Madras High Court and he is also practising in various other Courts and Tribunals in the State of Tamil Nadu having put in long number of years in the Bar establishing good name in his profession and he is enjoying good reputation among the general public. The respondent is a native of Pattukottai in Tanjavur District and hails from a very respectable family. The respondent after enrolment as an Advocate on 17.03.1982, he started his practice under the Seniors like G.Ramasamy, Former Attorney General of India and G.Subramanian, Senior Advocate. The respondent's sister Amuthaveni was given in marriage to one Palaniappan, son of Krishnan Servai. The said Krishnan Servai, who is the father of the petitioners and the said Palaniappan, died interstate on 12.05.2009. After that there was some dispute among the family members in inheriting the property.



The respondent advised his brother-in-law Palaniappan in this regard. Hence, the petitioners and other legal heirs of Krishnan Servai had caused public notice and sent the same to various persons which caused defamatory to the respondent. Agitated over the same, the respondent filed a private complaint against the wife, daughters and brother's son of Krishnan Servai for offence under Sections 500, 501 r/w 34 and 120(b) IPC before the learned IX Metropolitan Magistrate, Saidapet, Chennai.

3.The learned counsel for the petitioners submitted that the petitioners and the respondent are close relatives known to others. Long years back, there was some dispute within the family members in respect of inheriting the property of Krishnan Servai. The said Krishnan Sevai died on 12.05.2000. Prior to it, he executed a registered Will dated 19.11.2008 in document No.112 of 2008 and a settlement deed dated 19.12.2008 in document No.9324 of 2008 in settling his property. There was some dispute with regard to the execution of the said documents after demise of Krishnan Servai. The learned counsel further submitted that the respondent's brother-in-law Palaniappan had issued a settlement deed on 22.06.2009 in document No.1150 of 2009. Hence, there was some dispute aroused among the family members. On 06.07.2009, in 'Daily Thanthi' newspaper in Madurai edition, a defamatory notice have been published at the instance of the petitioners. The copy of the defamatory notice was sent to various Advocate Associations which according to the respondent, a defamation was caused. Hence, he lodged a complaint.

4.The learned counsel for the petitioners further submitted that earlier the petitioners filed a Quash Petition before this Court in Crl.O.P.No.22946 of 2009 and the same was dismissed as withdrawn on a wrong information that the case in C.C.No.14312 of 2009 was closed. Thereafter, the present petition has been filed.

5.It is seen that on 22.06.2021, the petitioners as well as the respondent appeared before this Court and the respondent agreed that if the petitioners expressed their regret by issuing public notice in a Daily Thanthi newspaper, he is ready to withdraw the complaint before the trial Court and further, passage of time had also made him to forget the bitter caused. Both the petitioners and the respondent to realize their mistake and living in harmony hereafter.

6.In continuation of the undertaking, a public notice dated 30.06.2021 has been published in Daily Thanthi of Chennai Edition and Madurai Edition and the copy of the same produced before this Court, in which the petitioners expressed their regret in publishing a notice on the incident happened on



06.07.2009 against the respondent. The respondent satisfied with the public notice and the expression of regret. Both the petitioners and the legal heirs of Krishnan Servai have now buried their hatchets continue cordial relationship.

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7.The respondent agreed not only to compound the offence with the petitioners, but also against all the other accused in C.C.No.14312 of 2019. Due to the subsequent development, hereafter they will live in harmony and maintain good relationship between them.

8.Under such circumstances, no useful purpose will be served in keeping the proceedings pending. Hence, this Criminal Original Petition stands allowed and the proceedings in C.C.No.14312 of 2009, on the file of the IX Metropolitan Magistrate Court, Saidapet, Chennai is quashed against all the accused. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The IX Metropolitan Magistrate Court,
Saidapet, Chennai.

+1cc to M/S.N.Manokaran, Advocate,Sr.31675

CRL.O.P.No.7128 of 2021

RR[co]
NSK 03/08/2021