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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :19.11.2021

CORAM

THE HONOURABLE MR.JUSTICE V. BHARATHIDASAN

Cr1.O.P.No.23717 of 2015
and
M.P.No.1 of 2015

1. G. Chamundeeswari

2. B. Gnanavelu

... Petitioners

Vs

Anbuselvan

... Respondent

Criminal Original Petition filed under Section 482 of Criminal Procedure Code to call for the records in C.C.No.903 of 2014 on the file of the learned Judicial Magistrate, Tambaram and quash the same.

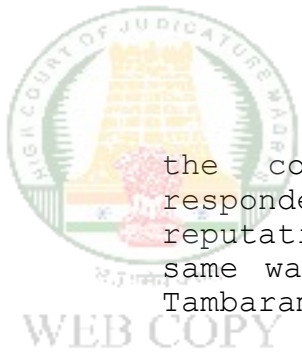
For petitioner : Mr. V. chandrakanthan

For respondent : Mr. G. Anbayachozhan

ORDER

The petitioners, who are accused, in a private complaint filed for the offence under Section 500 of IPC, in CC.No.903 of 2014 on the file of the Judicial Magistrate, Tambaram, has filed this Criminal Original Petition to quash the same.

2. The respondent, who is stated to be a practising advocate, has filed a complaint alleging that the first petitioner has given two false criminal complaints against him, as per the advice of the second petitioner on 05.12.2012 first complaint was given before the D.C.B., Kancheepuram with some false and frivolous allegations, based on that the Sub-Inspector of Police, D.C.B., Kancheepuram, had issued a summon directing him to appear for enquiry. Thereafter, another complaint has been given by the first petitioner on 10.01.2013 before the Sub-Inspector of Police, Manimangalam Police Station, for which also



the complainant was called for enquiry. According to respondent/complainant, the above said complaints defamed to his reputation. Hence, the private complaint has been filed and the same was taken cognizance by the learned Judicial Magistrate, Tambaram, pending in CC No.903 of 2014.

3. Mr. V. Chandrakanthan, learned counsel appearing for the petitioners would submit that the petitioners have not given any complaint as against the respondent/complainant. There is some civil dispute between the petitioners and their sisters, for which, they have given a complaint against the sisters of A1 and they have not given any complaint as against the complainant, who has appeared for them. That apart, the alleged copy of the complaints were also not placed before the Magistrate to show that the petitioners have made false and frivolous allegations as against the respondent/complainant and without any materials whatsoever, the learned Judicial Magistrate taken cognizance for the offence under Section 500 IPC. Hence, the same is liable to be quashed.

4. The learned counsel for the respondent would submit the respondent is a reputed lawyer practising in Kancheepuram District. On behalf of the sisters of the accused, he has filed a suit against the petitioners and the same is pending before the District Court, Kancheepuram. Being aggrieved over the same, the petitioners have given a false complaint against the respondent/complainant making frivolous allegations with an intention to defame his reputation. Hence, he filed a private complaint against them. The learned Judicial Magistrate, after being satisfied that a prima facie case made out as against the accused, taken cognizance and issued summons and hence, there is no reason to quash the complaint.

5. This Court considered the rival submissions made on either side and perused the materials available on records carefully.

6. In the complaint it is alleged that A1/first petitioner in this case said to have given two criminal complaints against the respondent, i.e., one before the District Crime Branch, Kancheepuram and another one before the Sub-Inspector of Police, Manimangalam Police Station making false and frivolous allegations. Based on that, the complainant was summoned and on enquiry was conducted by the police. According to the respondent/complainant, the allegations made against him are defamed his reputation and hence, the private complaint. The learned counsel for the petitioners disputed the same stating that the petitioners have not given any specific complaint against the respondent/complainant. Those complaints are only against the sisters of the first petitioner and nothing to do



with the complainant.

7. The cause of action for filing the private complaint is that, the petitioners herein had given two police complaints as against the respondent/complainant making false allegations. But, copies of the complaints are not produced before this Court. Even in the complaint, it is not specifically stated that what are the false and frivolous statements made by the petitioners against the accused, and the complaint is very vague. In the list of documents filed along with the complaint shows that, only the summon issued by the Inspector of Police, District Crime Branch, Kancheepuram and the legal notice issued by the respondent/complainant and the copy of the plaint were alone produced. There is no materials available on records to show that the statements made by the petitioners caused defamation to the reputation of the respondent/complainant. In the above circumstances, absolutely, there is no materials available to take cognizance of the offence under Section 500 IPC.

8. In view of the above, this Court is of the considered view that there is no offence under Section 500 of IPC is made out as against the petitioners and hence, the complaint is liable to be quashed.

9. Accordingly, this Criminal Original Petition is allowed and the complaint against the petitioners in C.C.No.903 of 2014 on the file of the Judicial Magistrate, Tambaram, is quashed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

mrp

To

The Judicial Magistrate,
Tambaram.

+1cc to Mr.V.Chandrakanthan, Advocate, S.R.No.59936

Cr1.O.P.No.23717 of 2015

SSD(CO)
SU(03/12/2021)