

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.OP.No.947 of 2021
and Crl.M.P.No.599 of 2021

- 1.R.M.R.Ramesh,
The Editor and Publisher,
Dinakaran Daily,
No.229, Kutchery Road,
Mylapore, Chennai 600 004.
 - 2.Kal Publications Private Limited,
No.229, Katchery Road, Mylapore.
 - 3.Dinakaran Tamil Daily,
Published by R.M.R.Ramesh,
229, Katchery Road, Mylapore.
 - 4.Dinakaran Tamil Daily,
Printed at Yogalakshmi Press,
No.SPL A1 and G, Industrial Estate,
Thattanchavadi, Pondicherry - 605 009.
By R.M.R.Ramesh.
- ... Petitioners
- Vs.
- C.Ve.Shanmugam ... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for records in C.C.No.238 of 2020, on the file of the Judicial Magistrate No.I, Tindivanam and quash the same.

For Petitioners: Ms.M.Sneha
For Respondent : Mr.R.John Sathyan

WEB COPY
O R D E R

This Criminal Original Petition has been filed to quash the proceedings in C.C.No.238 of 2020, pending on the file of the Hon'ble Judicial Magistrate-I, Tindivanam.

2.The respondent had filed a complaint against the petitioners for an alleged offence of defamation, before the

Court below. The Court below took cognizance of the complaint and issued process to the petitioners. Aggrieved by the same, the present petition had been filed before this Court.

3. When the matter came up for hearing on 25.01.2021, taking into consideration the grievance of the respondent, this Court suggested to the learned counsel appearing on behalf of the petitioners to publish a news expressing regret in their news papers in order to resolve the dispute amicably.

4. When the matter was taken up for hearing on 29.01.2021, this Court passed the following order:

"The learned counsel for the petitioners submitted that the News Paper has already published a news in today's Puducherry Edition expressing regret for publishing an article about the respondent.

2. The learned counsel for the petitioners is directed to file a copy of the Edition in which the news was published. There shall be a further direction to issue Private Notice to the respondent along with a copy of the entire papers and the news that was published today in the Puducherry Edition, returnable by 03.02.2021.

Post this case under the caption "for admission on 03.02.2021."

5. The matter was again taken up for hearing on 11.02.2021 and this Court passed the following order:

"A counter affidavit has been filed by the respondent. The respondent has graciously accepted the apology tendered by the petitioners. However, according to the respondent, the defamatory article was also published in Tamilnadu Edition. Therefore, the respondent wants the same publication expressing regret that was made in the Puducherry Edition, to be made in the Tamilnadu Edition also.

2. The learned counsel appearing on behalf of the petitioners seeks for time to take instructions.

3. Post this case under the caption 'for orders' on 18.02.2021. In the mean time, the personal presence of the petitioners is dispensed with before the Court below."

6. When the matter was taken up for hearing today, the learned counsel appearing on behalf of the petitioners submitted that the publication expressing regret has been made in all the Editions across Tamil Nadu and a copy of the editions was also filed before this Court.

7.The learned counsel for the respondent submitted that in view of the above development, the respondent is willing to abide by any orders passed by this Court.

8.The offence involved in the present case is defamation based on a publication made by the petitioners. Taking cue from the suggestion made by this Court, the petitioners have graciously published the news expressing regret in all their editions. The respondent has also graciously left the decision to this Court.

9.Taking into consideration the facts and circumstances of the case and the subsequent development that has been taken place in this case, no useful purpose will be served in continuing with the criminal proceedings against the petitioners and it has to be brought to an end now. Accordingly, the proceedings in C.C.No.238 of 2020, pending on the file of the learned Judicial Magistrate-I, Tindivanam, is hereby quashed and this Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

rm

To

The Judicial Magistrate-I,
Tindivanam.

+1 CC to M/s.M. Sneha, Advocate sr 10493.

Cr1.OP.No.947 of 2021

SMI (CO)
SP(17/03/2021)

WEB COPY