



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.06.2021

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THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

CRL.O.P.Nos.9795 and 9796 of 2015
and
MP.No.1 of 2015 (2 Nos)

Karur Murali

..Petitioner in both the Crl.O.P's.

.Vs.

The Public Prosecutor
Thiruvallur District
Representing the
Government of Tamil Nadu

...Respondent in both the Crl.O.P's.

COMMON PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in C.C.Nos.2 of 2013 and 6 of 2014 on the file of learned Principal District and Sessions Judge, Tiruvallur and quash the same.

In both the Crl.O.P's.:

For Petitioner : Mr.P.Kumaresan

For Respondent : Mr.E.Raj Thilak
Counsel for Government (Crl.side)

C O M M O N O R D E R

These Criminal Original Petitions have been filed to quash the proceedings initiated against the petitioner for an offence punishable under Section 500 of IPC in C.C.Nos. 2 of 2013 and 6 of 2014 on the file of the Principal District and Sessions Judge, Thiruvallur.

2. The complaints have been filed through the District Public Prosecutor under Section 199 (2) of Cr.P.C., r/w the



relevant Government Orders.

3. The learned counsel for the petitioner submitted that even if the allegations made in the complaints are taken as it is, the same does not constitute defamatory allegations with respect to the act or conduct of the then Chief Minister in discharge of her public functions and at the best it can only be treated as a personal defamation. Therefore, the learned counsel submitted that such a complaint cannot be maintained through the District Public Prosecutor and it does not satisfy the requirements under Section 199(2) of Cr.P.C. The learned counsel in order to substantiate his submissions relied upon the judgments of the Hon'ble Supreme Court in K.K.Mishra v. The State of Madhya Pradesh & Anr. reported in (2018) 2 LW Cr1.17 and R.Avudayappan v. Muthukaruppan Public Prosecutor District and Sessions Court, Tirunelveli District reported in (2018) 2 LW Cr1 24.

4. Per contra, the learned counsel for the Government (Cr1.Side) appearing on behalf of the respondent submitted that the petitioner has indulged in making wild allegations against the then Hon'ble Chief Minister and thereby have defamed her name in the eyes of the general public. The learned counsel submitted that the petitioner in the name of freedom of press cannot make such defamatory and derogatory allegations against the former Chief Minister and the petitioner will have to necessarily face the trial before the Court below and prove his innocence.

5. This Court has carefully considered the submissions made on either side and the materials available on record.

6. Section 199(2) of Cr.P.C., provides a special procedure with regard to the initiation of proceedings for prosecution for defamation of a public servant. However, to maintain such a prosecution, the allegations must directly touch upon acts or conduct of the concerned servant in discharge of his or her public function. If the defamatory statement is personal in nature, this special procedure will not apply and it is only the concerned person who has to file the complaint in his or her individual capacity. The law on this issue is well settled and the learned counsel for the petitioner has rightly relied upon the judgments mentioned supra.

7. The allegations based on which the criminal complaint was filed and which has been extracted supra, does not in any way touch upon the conduct of the aggrieved person in discharge of her public function. The allegation even if taken as it is, only can be construed as a personal defamation. Therefore, the complaint that was filed by the District Public



Prosecutor cannot be maintained since it does not satisfy the requirements of Section 199(2) of Cr.P.C. It is seen that this complaint is pending from the year 2013 onwards without any progress. No useful purpose will be served by keeping this complaint pending.

8. In the result, this Court has absolutely no hesitation to quash the proceedings in C.C.Nos.2 of 2013 and 6 of 2014, on the file of the Principal District and Sessions Judge, Thiruvallur, and accordingly, the same is quashed.

9. Accordingly, the Criminal Original Petitions are allowed. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar (CS-VI)

// True Copy//

Sub Assistant Registrar

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To

- 1.The Principal District and Sessions Judge,
Thiruvallur.
- 2.The Public Prosecutor,
High Court of Madras,
Chennai.
- 3.The Public Prosecutor
Thiruvallur District.

CRL.O.P.Nos.9795 and 9796 of 2015
and
MP.No.1 of 2015 (2 Nos)

SMI (CO)
SU(16/08/2021)