



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:27.09.2021

CORAM

THE HON'BLE Mr. JUSTICE C.V.KARTHIKEYAN

Cr1.O.P.No.27099 of 2016
and Cr1.M.P.Nos.13718 and 13719 of 2016

A.Jesuraj

... Petitioner/Accused

Vs.

V.Baskaran

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records in S.T.C.No.156 of 2016, pending on the file of the learned Judicial Magistrate No.I, Mayiladudurai and quash the same.

For Petitioner .. Mr.S.Vijayaganesh

For Respondent .. Mr.K.Govi Ganesan

ORDER

The present petition has been filed seeking to quash further proceedings in S.T.C.No.156 of 2016, now pending on the file of the learned Judicial Magistrate No.I, Mayiladudurai. The said S.T.C.No.156 of 2016 had been taken cognizance by the learned Judicial Magistrate No.I, Mayiladudurai, based on a complaint under Section 200 Cr.P.C., by the respondent herein.

2. The petitioner and the respondent are both interested in developing sports in this State. The petitioner has an experience of being an employee of Sports Authority of India and the respondent is in the position of honorary Advisor to the A.V.C College, Mayiladudurai. They are both passionate about the game of Hockey. This is totally an unnecessary litigation between the two of them and without any hesitation, this Court should interfere with S.T.C.No.156 of 2016.

3. The facts are quite simple.



4. The petitioner herein had been given the privilege of being the Manager of a particular tournament, which was to be conducted in Trichy between 05.01.2014 and 07.01.2014, with respect to a Girls Hockey Team. Most of the team members were from A.V.C College at Mayiladudurai. The petitioner, therefore, had addressed the Principal of A.V.C College, Mayiladudurai, seeking permission for the said students to participate not only in the tournament, but also prior to the tournament in the practice sessions.

5. The respondent was the honourary Advisor to A.V.C College, Mayiladudurai. A communication is available in the records, wherein the petitioner claimed that he had been pressured by the respondent to withdraw from being the Manager of the said team. He withdrew himself as the Manager and thereafter, for reasons best known to him and for reasons, which he certainly now regrets, the petitioner herein had addressed a letter to the Principal of A.V.C College and at the last paragraph, he made a hypothetical statement whether the Principal would encourage the petitioner or encourage when he termed as 'sports advisor or sports damager' of A.V.C College. This had certainly hurt the feelings of the respondent and I do hope that the respondent would have by this passage of time reconciled with any mental agony suffered over this particular description of him. This particular letter had been circulated by the college authorities to the respondent. Therefore, the respondent herein had filed a private complaint before the jurisdictional Magistrate Court, which had been taken cognizance as S.T.C.No.156 of 2016, which the present petitioner now seeking to quash.

6. There is no material available that the respondent, as a matter of fact, actually, forced the petitioner to withdraw from being the Manager. The petitioner addressed a letter to the authorities that he had been forced to withdraw from being the Manager, but, at any rate, he had taken a voluntary decision to withdraw as the Manager. He had, therefore, addressed a letter to the College. I am confident that by the said letter, the petitioner did not mean to hurt the feelings of the respondent, but, rather, vented his grievance that he had not been permitted to accompany the team as Manager.

7. This happens often. Managers are appointed. Managers are removed. Managers are recalled. Managers are condemned. Managers are appreciated. It is part and parcel of being a Manager of any sports team. If the team performs well, the Manager is appreciated. If for some reason, the team had not performed well, the blame will be placed on the Manager. The petitioner should take this in true spirit.



8. Addressing a letter to the college authority certainly does not behave well. I can understand that the said letter seems to have been written more in frustration.

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9. This would not cause an act of defamation to the respondent herein.

10. Explanation 4 of Section 499 of I.P.C is as follows:-

"Explanation 4 - No imputation is said to harm a person's reputation, unless that imputation directly or indirectly, in the estimation of others, lowers the moral or intellectual character of that person, or lowers the character of that person in respect of his caste or of his calling, or lowers the credit of that person, or causes it to be believed that the body of that person is in a loathsome state, or in a state generally considered as disgraceful".

11. It is stated that imputation cannot harm a person's reputation, unless that imputation had either directly or indirectly, lowered the opinion of that particular person in the estimation of others. By considering the letter, I am confident that the Principal of A.V.C College would not have been even influenced about his opinion of the respondent herein. The respondent has rendered more than good service by coaching Hockey in that particular district and more particularly in the college.

12. As is seen from the communication, most of the students from the A.V.C College had been selected to participate in the Hockey tournament. This is a direct result of the efforts taken by the respondent alone.

13. I am also informed that for having written directly to the petitioner, disciplinary proceedings had also been initiated and the petitioner has been warned not to indulge in any such communication.

14. I am confident that keeping the said S.T.C.No.156 of 2016 on the file of the learned Judicial Magistrate No.I, Mayiladudurai would only be an exercise of futility and neither the petitioner nor the respondent can gain any advantage by prosecuting the said case in further. Let them bury their hatchets and let them move forward as true sports players.

15. With the above said observation, the Criminal Original Petition is allowed and S.T.C.No.156 of 2016, pending on the



file of the learned Judicial Magistrate No.I, Mayiladudurai is quashed. Consequently, the connected miscellaneous petitions are closed.

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Sd/-
Assistant Registrar (CS VII)

//True Copy//

Sub Assistant Registrar

grs

To

The Judicial Magistrate No.I,
Mayiladudurai.

+1 CC to Mr.K.Govi Ganesan, Advocate, Sr 49890.

Crl.O.P.No.27099 of
2016 and
Crl.M.P.Nos.13718 and 13719 of 2016

GPL (CO)
LS (13/10/2021)