



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

CRL.O.P.NO.8068 OF 2017

&

CRL.M.P.NOS.5815 & 5816 OF 2017

1.R.Kumaravelu
2.Homal Kumaravelu
3.Dr.H.S.Adenwalla
3.T.Narendran

...Petitioners / A1 to 4

Vs

Renuka J Bhojani

...Respondent / Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to the complaint filed by the respondent in C.C.No.645 of 2016 on the file of the learned Judicial Magistrate No.VI, Coimbatore and quash the same.

For Petitioners : Mr.P.S.Raman SC
for Mr.K.S.Karhik Raja

For Respondent : Mr.M.Santhanaraman

O R D E R

The above petition has been filed to quash the private complaint filed by the respondent alleging defamation caused by the petitioner.

2. The respondent has filed a complaint for the offence under section 500 of India Penal Code on the ground that the petitioner had fabricated and misused the cheques and filed a complaint under section 138 of the Negotiable Instrument Act and the same has been taken on file in C.C.No.886 of 2014 by the Judicial Magistrate No.II, Coimbatore. In the said case, the defacto complainant was directed to appear before the Court on 18.02.2015. When she had gone to the Court and seated in the car, her friends asked about her presence in the Court premises besides many people have enquired about the pending case. Therefore, her reputation has lowered. Hence, filed the present private complaint.



3. Heard the learned counsel appearing for the petitioners and the learned counsel for the respondent.

4. At the outset, this court is of the view that the very allegation for prosecution for defamation is nothing but abuse of process of law. When summons have been issued by the Court on the basis of a complaint filed under section 138 of Negotiable Instruments Act, the respondent is bound to appear before the Court. Merely because, her presence is noticed by her friends and they enquired her about the case, it cannot be said that such an action, will lower her reputation. Therefore, the allegation in the complaint for making out an offence for defamation is lacking and it is nothing but motivated. If at all action, the respondent wants to take action, it can be taken only if the Court finds that the proceedings in criminal case filed under the Negotiable Instrument Act is malicious. In such view of the matter, this Court is inclined to quash the proceedings against the petitioner.

5. Accordingly, this Criminal Original Petition is allowed and the case in C.C.No.645 of 2016 on the file of the learned Judicial Magistrate No.VI, Coimbatore against the petitioner is quashed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-VIII)

// True Copy //

Sub Assistant Registrar

vrc/kbs

To

1.The Judicial Magistrate VI,
Coimbatore.

2.The Judicial Magistrate II,
Coimbatore.

CrI.O.P.No.8068 of 2017 &
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BS(CO)
RVM(20/12/2021)