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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 17.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

CRL. O.P. NO. 15452 OF 2017

AND

CRL.M.P.NO.9665 OF 2017

The Editor,
Dhinakaran Tamil Daily,
229, Kutchery Road,
Mylapore, Chennai - 28

... Petitioner/
Accused

Versus

C.V.Illangovan
S/o. Venkatesan,
Chairman,
Pammal Municipality.

... Respondent/
Complainant

PRAYER :

This Criminal Original Petition was filed under Section 482 of Cr.P.C., to call for the records relating to the proceedings in C.C.No.386 of 2015 on the file of the Hon'ble Judicial Magistrate, Tambaram and quash the same.

For Petitioner : Ms. M.Sneha

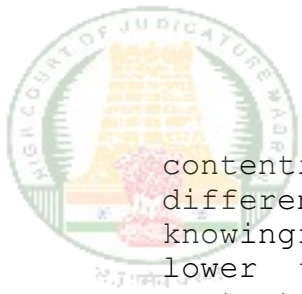
For Respondent : No appearance

ORDER

(This case has been heard through video conference)

This Criminal Original Petition has been filed to quash the private complaint initiated under Sec.200 Cr.P.C. read with Sec.499 I.P.C. in C.C.No.386 of 2015 on the file of the Judicial Magistrate, Tambaram.

2. The crux of the case is that a private complaint has been filed against the editor of the newspaper for publishing the news that Vice Chairman of the Municipality belong to AIADMK party and the councilor boycotted council meeting. It is the



contention of the complainant, publishing the news as to the difference between the Chairman and Members of the other party knowingly well that it is only infra is defamation as it lower the a credibility of the chairperson. It is his contention that in view of non-participation of the AIADMK members, the meeting was not conducted as stated in. Hence, the publication has lowered the reputation of the respondent and accordingly, a private complaint was lodged.

3. The learned counsel appearing for the petitioner would submit that the fact that the opposition Vice-Chairman, Members and Councillors have not participated in the council meeting, the news has been published therefore at no stretch of imagination, the same could be a criminal offence. What has been transpired in the meeting has been published. Therefore same cannot be taken as defamation at all. Hence, the contention of the prosecution is nothing, but an abuse of process of law.

4. Today, when the matter taken up for hearing, there is no representation on behalf the defacto complainant.

5. Perused the records. The petitioner accusation relating to the conduct of the meeting in the municipality. What has been published is that the members of the opposition party have not participated in the council meeting, besides the condition of the roads maintained by the municipality also published. It is to be noted that such publication bringing to the notice of the public as to the real state of affairs cannot be construed as an imputation lowering the reputation of the defacto complainant. In order to constitute the offence of Defamation there must be a intention to harm other person, or such imputation should harm the reputation of such person whatever been published is the real fact, which the complainant himself has admitted in his complaint. Therefore, at no stretch of imagination, the same can be construed as imputation made with the intention to harm the petitioner. In such view of the matter, this Court is of the view that the private complaint is nothing, but abuse of process of law and the same is quashed.

6. Accordingly, this Criminal Original Petition is allowed. Consequently, connected Criminal Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

rpp/psa



To

1. The Judicial Magistrate,
Tambaram.
2. The Chief Judicial Magistrate,
Chengalpet.

+lcc to Ms. M.Sneha, Advocate, S.R.No.59362

Crl. O.P. No. 15452 of 2017
and
Crl.M.P.No.9665 of 2017

GJ(CO)
PM/07/12/2021