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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. 16167 OF 2017 AND
CRL.M.P.NOS.9981 & 9982 OF 2017

1. S.Kasirajan
S/o. Late P. Sethu

2. M.Ramasubramnian,
S/o. Mookaiah

... Petitioners/
Accused 1 & 2

Versus

P.Thamaraichelvan,
S/o. Late Palanisamy

... Respondent/
Complainant

PRAYER :

This Criminal Original Petition was filed under Section 482 of Cr.P.C., to call for the records in S.T.C.No.105 of 2017 on the file of the Learned Judicial Magistrate No.2, Tiruvannamalai and consequently, quash the same as illegal, improper and not maintainable in the eye of law.

For Petitioners : Mr.S.B.Viswanathan

For Respondent : Mr.V.Thiyagarajan

ORDER

(This case has been heard through video conference)

This Criminal Original Petition has been filed to quash the proceedings filed under Section 200 Cr.P.C. for the offence under Section 500 of I.P.C. in S.T.C.No.105 of 2017, on the file of learned Judicial Magistrate No.2, Tiruvannamalai.

2. It is the contention of the complainant that in a Civil



Suit in O.S.No.40 of 2010, the respondent forged the signature of the petitioners, thereby, the petitioners have lodged the complaint in this regard, and seeking a direction to proceed against the petitioners for the offence under Section 420 I.P.C., he has filed a C.M.P.No.3742 of 2015. When the above petition was pending before the Court, the petitioners herein appointed an advocate and filed a counter affidavit, wherein they have made a defamatory statement. Hence, the private complaint has been filed.

3. The learned counsel appearing for the petitioners would submit that the complainant and his sworn statement filed along with counter affidavit except contending that the petitioners have made defamatory statement. The nature of the imputation or specific words is stated to be defamatory, which is not even averred in the private complaint or in the sworn statement. Further, it is now stated by the learned counsel for the complainant that the complainant is no more. The learned counsel appearing for the respondent has also admitted that he died on 24.09.2020.

4. In such view of the matter, the complainant does not indicate the nature of allegations in the complaint, the sworn statement also does not indicate the nature of allegations. The person, who has lodged the complaint also died. It is very difficult to establish the charges even entire allegations in the complaint is taken as true. Therefore, considering the fact that the criminal complaint has been lodged due to the civil dispute among the trustees. The continuance of the same is nothing, but a futile exercise . Hence, the complaint filed against the petitioner in S.T.C.No.105 of 2017, on the file of the learned Judicial Magistrate II, Tiruvannamalai, is quashed. Accordingly, this Criminal Original Petition is allowed. Consequently, connected Criminal Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

rpp/psa



To

The Judicial Magistrate No.II,
Tiruvannamalai.

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+1cc to Mr.S.B.Viswanathan, Advocate, S.R.No.59187

Cr1. O.P. No. 16167 of 2017 and
Cr1.M.P.Nos.9981 & 9982 of 2017

RSI (CO)
PM/08/12/2021