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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.11.2021

CORAM :

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

CRL. O.P. NO. 17252 OF 2017

AND

CRL.M.P.NOS. 10580 AND 10581 OF 2017

R.M.R.Ramesh

... Petitioner /
Accused 2

Versus

1.Rameshkumar

... Respondent/
Complainant

2.Andrews

... Respondent/
Accused 1

PRAYER :

Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records relating to the Proceedings in C.C. No.191 of 2017, on the file of the Chief Metropolitan Magistrate, Egmore and quash the same.

For Petitioner : M/s.M.Sneha

For Respondents : No appearance

O R D E R

This Criminal Original Petition has been filed to quash the proceedings under Section 500 IPC in C.C.No.191 of 2017 on the file of the Chief Metropolitan Magistrate, Egmore, filed as a private complaint.

2.The said private complaint has been filed against the petitioner/2nd accused for publishing a defamatory statement against the de facto complainant, alleging that the de facto complainant is having illicit connection with the wife of the 1st accused and is also trying to grab their property.



3.The learned counsel appearing for the petitioner submitted that the petitioner has never published any defamatory statement against the de facto complainant on its own and what was published is the only the statement given by the 1st accused in C.C.No.191 of 2017. Hence, they have published only the statement and allegation contained in the complaint of the 1st accused, which is just a fact and truth. Therefore, the learned counsel contended that the same cannot be construed as a defamation made by the petitioner/2nd accused and hence, the charge as against the petitioner herein/2nd accused has to be quashed.

4.The learned counsel for the petitioner further contended that, to attract the offence, an imputation should have been made with an intention to harm, or knowing or having reason to believe that such imputation will harm the reputation of such person. The 1st accused has, in fact, made an allegation touching upon the conduct of the de facto complainant, who is a Public Servant, which has been just reproduced in the publication. Mere statement given by the 1st accused was published in the newspaper, and therefore, the 2nd accused cannot be charged for the same and prayed to quash the criminal proceedings as against the petitioner herein/2nd accused.

5.Heard the learned counsel for the petitioner and perused the entire materials available on record.

6.The only allegation as against the petitioner is that the petitioner/2nd accused has published the defamatory statement with mala fide intention. On a perusal of the materials available on record, it is clear that a truth has been published and the complaint given by the 1st accused alone has been published without any addition or subtraction, and therefore, no mala fide can be attributed on the part of the petitioner/2nd accused in publishing the true statement of the 1st accused. Therefore, continuing the prosecution as against the 2nd accused is a sheer waste of time and abuse of process of Law.

7.In fact, when the entire statement of the complainant is taken on its face value, the same will not constitute any offence as against the 2nd accused, the petitioner herein, since what has been imputed is only a truth and whether or not it is for the public good is a question of fact. The fact remains that the 1st accused has raised certain allegations against a Government Servant, touching his conduct, and the same has been published. Such imputation/defamation also falls within the 3rd explanation under Section 499 IPC, hence, no purpose would be served in continuing the prosecution as against the petitioner/2nd accused. Therefore, this Court is inclined to quash the proceedings as against the petitioner/2nd accused.



8. Accordingly, this Criminal Original Petition is allowed and the criminal proceedings in C.C.No.191 of 2017 on the file of the Chief Metropolitan Magistrate, Egmore, is quashed as against the petitioner/2nd accused. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

mkn/psa

To

The Chief Metropolitan Magistrate,
Egmore, Chennai.

+1cc to M/s.M.Sneha, Advocate, S.R.No.57939

Cr1.O.P. No.17252 of 2017

PMK (CO)
PM/01/12/2021