



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2022

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THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.13945 of 2015

1.K.Asokan,
Editor,
"Tamil Daily The Hindu",
Kasturi Buildings,
859 & 860, Anna Salai,
Chennai - 600 002.

2.N.Ram,
Publisher,
"Tamil Daily The Hindu",
Kasturi Buildings,
859 & 860, Anna Salai,
Chennai - 600 002.

3.V.Ravi,
Printer,
"Tamil Daily The Hindu",
Plot Nos.B6 & B7 CMDA Industrial Complex,
Maraimalai Nagar,
Chengalpet Taluk,
Kancheepuram Taluk.

... Petitioners/Accused 2,3 & 4

Vs

The City Public Prosecutor,
High Court Campus,
Chennai - 600 104.

... Respondent/Complainant

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records in C.C.No.8 of 2015 on the file of the learned Principal Sessions Judge, Chennai, and quash the same.

For Petitioners : Mr.M.S.Murali
for M/s.R & P Partners

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor



ORDER

This Criminal Original Petition has been filed, to call for the records in C.C.No.8 of 2015 on the file of the learned Principal Sessions Judge, Chennai, and quash the same.

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2. The brief facts of the case are the respondent/complainant has filed a defamation complaint before the Court of Principal Sessions Judge, Chennai, as against (1) E.V.K.S.Elangovan, the then President of Tamil Nadu Congress Committee (2) K.Asokan, Editor, "Tamil Daily The Hindu" (3) N.Ram, Publisher, "Tamil Daily The Hindu" and (4) V.Ravi, Printer, "Tamil Daily The Hindu". The allegations are in respect of offence punishable under Sections 500 & 501 of IPC, for authoring and publishing an allegedly defamatory news item in "Tamil Nadu The Hindu".

3. As per the complaint, the alleged defamatory statement was stated to have been delivered by the first accused E.V.K.S.Elangovan, the then President of Tamil Nadu Congress Committee, the state wing of Indian National Congress a recognised National Political Party, while he was speaking to the media in a press conference. The alleged defamatory statement was telecast live and also later within few minutes of the press conference, retelecasted in major television channels in Tamil widely and repeatedly. The same day evening and on the next day news papers carried the news item with the statement and accusations made by the first accused E.V.K.S.Elangovan. The petitioners news paper namely the "Tamil Daily The Hindu" and other news papers had carried out the news item on the following day. Aggrieved over the statement, the respondent/complainant on the authorization given by the Government has filed the complaint.

4. The learned counsel for the petitioners at the outset would submit that the petitioners are Editor, Publisher and Printer of the "Tamil Daily The Hindu" News Paper. The news paper had carried out a news item about the speech of the then President of Tamil Nadu Congress Committee factually and not added any imputations or motives to harm the reputation of any person, during the relevant time. Further, the allegations as against the first accused also do not made out a case for defamation as they were only political in nature and not touching upon the former Chief Minister in her official capacity. The first accused in the complaint had approached this Court in CrI.O.P.No.21272 of 2019, for quashing the proceedings in C.C.No.8 of 2015 and this Court finding that the speech made by the first accused did not attract the offences punishable under Sections 500 and 501 of IPC, had quashed the complaint in respect of the first accused. When such being so,



the proceedings as against the petitioners for having carried the news item cannot be sustained in the eye of law and is only abuse of process of law and thereby he would seek to quash the proceedings.

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5. The learned Additional Public Prosecutor would submit that this Court has quashed the proceedings in respect of the first accused.

6. Heard both sides and perused the materials available on record.

7. The petitioners have been charged for the offences under Sections 500 and 501 of IPC for having carried the news regarding the speech made by the first accused. This Court in CrI.O.P.No.21272 of 2019 dated 08.11.2021 had held that the speech made by the first accused does not amount to defamation and had quashed the proceedings. It is relevant to refer paragraphs 11 to 13 of the order passed by this Court in CrI.O.P.No.21272 of 2019, which reads as under:-

"11. It is clearly stated that the offence of defamation committed attracting Section 199(2) of Cr.P.C., against the functionaries mentioned therein is to be seen whether offence committed is against the State and the same relate to the discharge of public functions by such functionaries. The State, therefore, would be rightly interested in pursuing the prosecution; hence the special provision and the special procedure.

12. On perusal of the G.O. and the complaint, it is seen that no such imputation is made in discharge of public function of the Ministers. The decision of the Apex Court in the case of K.K.Mishra cited supra is consistently followed by this Court in the case of Karur Murali Vs. Public Prosecutor, Tirunelveli in CrI.O.P.(MD).No.17415 of 2018, CrI.O.P.No.2453 of 2015 and CrI.O.P.No.23619 of 2018.

13. The petitioner belongs to the opposition party and some political statements have been made. The allegations made in the complaint are political in nature and not on personal level and no way pertain to the public functioning of the Hon'ble Minister. In view of the same, this Criminal Original Petition is liable to be quashed."



8. Taking into consideration the facts and circumstances, when the charges against the main accused having been quashed, the proceedings pending against the present accused who have carried the news item of the alleged speech is unwarranted and nothing but an abuse of process and thereby a wasteful exercise.

9. In view of the above, all further proceedings in respect of the petitioners in C.C.No.8 of 2015 is nothing but abuse of process of law and is hereby quashed. This Criminal Original Petition stands allowed.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

arb
To

1.The Principal Sessions Judge, Chennai.

2.The City Public Prosecutor,
High Court Campus,
Chennai - 600 104.

3.The Public Prosecutor,
High Court of Madras.

+1 cc to M/s.R & P Partners, Advocate Sr.NO. 14839

CrI.O.P.No.13945 of 2015

RSI (CO)

A.SK(24/03/2022)