



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.04.2022

CORAM:

THE HON'BLE Dr. JUSTICE G.JAYACHANDRAN

Crl.O.P.No.629 of 2020
and
Crl.MP.No.385 of 2020

1. N.Murugesan
2. N.Selvaraj
3. M.Thirugnanam
4. K.Letchumanan .. Petitioners/Accused
Vs.

R.Chinniah Ambalam .. Respondent/Complainant

PRAYER: Criminal Original Petition has been filed under Section 482 of Cr.P.C praying to call for the entire records pertaining to STC.No.250 of 2019 on the file of Judicial Magistrate, Ambattur and quash the same.

For Petitioner : Mr.B.Kumarasamy
for Mr.K.Balaji

For Respondent : No Appearance

ORDER

This petition filed under Section 482 of Cr.P.C to quash the private complaint filed under Section 200 of Cr.P.C for the offence under Section 499 & 501 of IPC.

2. The learned counsel for the petitioner read the alleged defamatory notice circulated in the name of the petitioners in the sworn statement of the complainant. In the offending notice certain personal family details of the complainant been stated



indicating that the parents of the petitioner belongs to different community and the petitioner is not entitled to the member of the Nanku Karai Natarkal vallamaba Community and also certain other allegations like elopement of complainant's family members also printed in the hand bill, according to the complainant in the defamatory statement the names of four persons mentioned except the name, address and other details are not given. However, subsequently, private complaint has been filed impleading these petitioners whose name corresponding to the name in the notice.

3. However, on the reading of the sworn statement, this Court finds that nowhere the complainant has mentioned the name of these petitioners as persons for printed and circulated the offending notice. Furthermore, the alleged defamatory statements are about the parents of the complainant. Admittedly, the parents of the complainant died long back. Though there is no bar for the son to expose of the case of the parents without their names defamed, while prosecuting the perpetrator of the crime the complaint should be specific and ought to have place the materials which would prima facie indicates the alleged defamatory statement was really printed and circulated by the accused persons/petitioners, in the absence of material facts to link the petitioners with the alleged defamatory statement and there is no purpose to proceed with the trial and the petitioner herein who is the prime witness in this case while filing the private complaint in sworn statement is not referred any of these petitioner, the perpetrator of the alleged crime. While So, this case cannot be improved without any other witness or secondary witness.

4. In the said circumstances, this Court forced in the arguments made by the counsel for the petitioner and the petition to quash is allowed.

5. Accordingly, the private complaint on the file of Judicial Magistrate, Ambattur is hereby quashed. This Criminal Original Petition is allowed and consequently connected miscellaneous petition is closed.

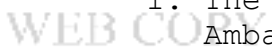
Sd/-

Assistant Registrar (CS-VII)

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Sub Assistant Registrar

pbl/vv



1. The Judicial Magistrate,
Ambattur.

Cr1.OP.No.629 of 2020
and
Cr1.MP.No.385 of 2020

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