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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.06.2022

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

CRL.O.P.NO.4669 OF 2019

AND

CRL.M.P.NO.2767 OF 2019

1. K.R.Solaimalai
2. Loganathan Pattabi
3. Prabhakar
4. S.Thirunavukarasu
5. H.Vijaykumar
6. J.Ananda Raja
7. K.Jayachandran
8. Naresh Puri Goswami
9. N.R.Vinoth
10. Leander Fernandes
11. Dinesh Kumar
12. B.Prithivi Raj
13. P.Santhosh Kumar
14. C.S.Premkumar ... Petitioners

.Vs.

Dr.K.Dayanidhi ... Respondent

PRAYER:- Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records in S.T.C.No.11 of 2019 pending on the file of the learned Judicial Magistrate, Ambattur and quash the same.



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For Petitioners : Mr. Deepak Narayanan

For Respondent : Mr. J. Saravanel

O R D E R

This Criminal Original Petition is filed to quash the private complaint initiated by one Dr. K. Dayanidhi, alleging that the act of the petitioners had caused defamation to him.

2. While the private complaint is pending and the petition for quash is under consideration by this Court, the complainant Dr. K. Dayanidhi passed away.

3. Learned counsel appearing for the respondent states that the legal representatives of the complainant have not given any instruction to him to pursue the matter.

4. On perusing the private complaint and the grounds raised to quash the complaint, this Court finds that the complainant, a Doctor by profession and Patron member of Ambattur Badminton Association, herein referred to as "ABA", being aggrieved by certain publication found in the annual report of the ABA, which was released under the supervision of the petitioners herein, filed a private complaint. The petitioners are before this Court to quash the said private complaint on the ground that they were office bearers of ABA at the relevant point of time. The publication impugned as defamatory by the complainant does not attract the ingredients of defamation as defined under Section 499 of I.P.C. and not fit for prosecution. To prove the allegation of defamation, the examination of the complainant is necessary and in this case, the complainant is no more and his legal heirs have not come forward to pursue the matter.

5. In the said circumstances, this Court is of the view that no purpose in keeping the criminal complaint on the file of the Judicial Magistrate. Hence, while disposing this quash petition, the learned Judicial Magistrate is directed to record the death of the complainant and close the complaint, unless the legal representatives of the complainant come forward to pursue the matter. Accordingly, the criminal original petition is disposed of. The connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS IV)

//True Copy//

Sub Assistant Registrar



vri/jai

To

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The Judicial Magistrate,
Ambattur.

+1cc to Mr.J.Saravanavel, Advocate, S.R.No.32624

+1cc to Mr.Manoj Sreevalsan, Advocate, S.R.No.32443

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SKM(CO)

PBS/14/06/2022