



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 31.01.2022

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

Crl.O.P.No.10698 of 2017

&

Crl.M.P.Nos.7050 and 7051 of 2017

Appavoo

S/o.Subburaya Gounder

... Petitioner / Accused

Vs.

B.Lenin Balu

... Respondent / Complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C to call for the records in the private complaint in C.C.No.100 of 2017 on the file of Judicial Magistrate Court, Gudiyattam, Vellore District and quash the same.

For Petitioners : Mr.S.Gunaseelan

For Respondent : No Appearance

ORDER

This Criminal Original Petition has been filed to quash the private complaint filed against the petitioner in C.C.No.100 of 2017 for the offence under Section 500 IPC.

2. The complainant is a practising Advocate and he has sold the property to the de facto complainant for a total consideration of Rs.17,49,150/-. However, at the time of registration, only a sum of Rs.15,00,000/- has been paid and Rs.2,00,000/- was retained by the petitioner and hence a public notice was issued by the respondent/complainant for payment of Rs.2,00,000/- held by the petitioner for which the petitioner has given a reply in a publication to the effect that the property was sold only to meet out the pressing necessities including the debts of the complainant and the petitioner has withheld the two lakhs only due to the shortage of 10 cents of land. The above reply in the publication indicates that the property was sold due to the certain debt of the complainant,



reflected in the reply notice is the facts stated in the sale deed. Therefore, merely because the word 'loan' has been included in the reply notice, it cannot be said that the same has been made with the intention to harm the reputation of the respondent and such intention has in fact lowered the reputation. In the absence of any intention, mere reply notice issued by the respondent setting out the circumstances under which the property has been sold will not fall within the ambit of causing defamation.

7. In such view of the matter, this Court of the view of that continuation of prosecution is mere abuse of process of law and the same is liable to be quashed.

8. Accordingly, this Criminal Original Petition is allowed and the proceedings in C.C.No.100 of 2017 on the file of Judicial Magistrate Court, Gudiyattam, Vellore District is quashed. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

gpa/gba

To

1. The Judicial Magistrate Court,
Gudiyattam, Vellore District.
2. The Public Prosecutor,
Madras High Court, Chennai - 104.

+1cc to Mr.S.Gunaseelan, Advocate, S.R.No.5430

Cr1.O.P.No.10698 of 2017 &
Cr1.M.P.Nos.7050 and 7051 of 2017

SS[co]
NSK 15/02/2022