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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 28.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

CrI. O.P. No.26252 of 2017 and
CrI.M.P.Nos.15118 & 15119 of 2017

Vijay Adhiraj . . . Petitioner/Accused

Versus

Radha Venuprasad . . . Respondent/Complainant

PRAYER : Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records relating to C.C.No.714 of 2017, pending on the file of the learned Judicial Magistrate, Alandur and quash the same.

For Petitioner :M/s.A.P.Sathyamurthy

For Respondents:Mr.V.Ayyadurai (Senior Counsel)
Mr.Meiyyappan Mohan
for M/s.Willson Associates

ORDER

This Criminal Original Petition has been filed to quash the private complaint in C.C.No.714 of 2017 on the file of the learned Judicial Magistrate, Alandur for the offence under Sections 499, 500, 503 and 504 IPC.

2. The respondent/defacto complainant has preferred a complaint under Sections 190(1)(a) and 200 Cr.P.C. against the petitioner and other accused by way of separate calendar cases on the allegation that this petitioner along with other accused had participated in a press meet held on 09.08.2013 making allegations against the respondent and thereby, her reputation has been spoiled. For which, the present complaint has been filed for the offence under Sections 499, 500, 503 and 504 IPC.

3. Learned counsel appearing for the petitioner submitted that the petitioner has not uttered the name of the respondent anywhere and he has restricted his statement to the extent of



his limited knowledge about the dispute and the act of the respondent. He further submitted that his statements is also fall within the extent of Ninth Exception of Section 499 of IPC. Therefore, he prayed to quash the proceedings.

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4. Learned counsel appearing for the respondent/defacto complainant submitted that there were serious allegations made by the petitioner which lowered the reputation of the de facto complainant, the same attracts the offence under 499, 500, 503 and 504 IPC. Hence, he opposed to quash the proceedings.

5. This Court has perused the entire materials available on record. The allegations in the complaint indicate that the petitioner has made remarks against the defacto complainant by falsely attributing that the defacto complainant was suffered from some psychiatric trouble. Further, he claimed that the defacto complainant had always been troublesome to her neighbours.

6. The learned counsel appearing for the petitioner referred Ninth Exception of Section 499 IPC, which reads as follows:

"Ninth Exception: Imputation made in good faith by person for protection of his or other's interest.

It is not defamation to make an imputation on the character of another, provided that the imputation be made in good faith for the protection of the interests of the person making it, or of any other person, or for the public good".

7. In view of the Ninth Exception under Section 499 of IPC, it is made clear that to fall within the said exception, the imputation should be made in good faith, which is a matter of evidence and the same cannot be gone at this stage. This Court cannot apply the exception blindly while exercising its power under Section 482 of Cr.P.C. When the complaint itself discloses the various statements said to have been made by the petitioner, it has to be tested only in the trial Court. Whether or not the charges levelled against the petitioner are proved, has to be decided by adducing evidence before the trial Court and not in a petition under Section 482 Cr.P.C. In such view of the matter, I do not find any merits in this petition.

8. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected Criminal Miscellaneous Petitions are closed.



9. At this juncture, the learned counsel appearing for the petitioner seeks indulgence of this Court to grant an order dispensing with the personal appearance of the petitioner. Accordingly, the personal appearance of the petitioner before the trial Court is dispensed with, except for receipt of copies, answering the charges, questioning under Section 313 Cr.P.C., passing of judgment, or on any other date as may be required by the trial Court.

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

msv/psa
To

The Judicial Magistrate,
Alandur.

+1cc to M/s.Wilson Associates, Advocate Sr.5557

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Cr1.M.P.Nos.15118 & 15119 of 2017

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