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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.26260 of 2017 and
CrI.M.P.Nos.15129 & 15130 of 2017

Hemalatha . . . Petitioner

Versus

Radha Venuprasad . . . Respondent

PRAYER :

Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records relating to C.C.No.716 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 : No appearance

ORDER

This Criminal Original Petition has been filed to quash the private complaint in C.C.No.716 of 2017 on the file of the learned Judicial Magistrate, Alandur for the offence under Sections 193, 499 and 500 of 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 193, 499 and 500 of 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 her statement to the extent of her limited knowledge about the dispute and the act of the respondent. He further submitted that her statements is also fall within the extent of Ninth Exception of Section 499 of



IPC. Therefore, he prayed to quash the proceedings.

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 defacto complainant, the same attracts the offence under Sections 193, 499 and 500 of 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 casted certain unwarranted aspersions about the defacto complainant.

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 her 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.

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Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

msv/psa

To

The Judicial Magistrate,
Alandur.

Crl. O.P. No.26260 of 2017 and
Crl.M.P.Nos.15129 & 15130 of 2017

RK(CO)
CT 28/02/2021