



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.02.2022

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P(MD)No.16269 of 2021

and

Crl.M.P(MD)No.8696 of 2021

WEB COPY

S.Visalatchi

... Petitioner

Vs.

R.M.Ramanathan

...Respondent

(Cause-title amended vide order
dated 09.02.2022 made in
Crl.M.P(MD)No.11377 of 2021)

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C.,
to call for the records relating to the proceedings in S.T.C.No.1220
of 2021 from the file of the Judicial Magistrate, Devakottai and
quash the same.

(Prayer amended vide order
dated 09.02.2022 made in
Crl.M.P(MD)No.11376 of 2021)

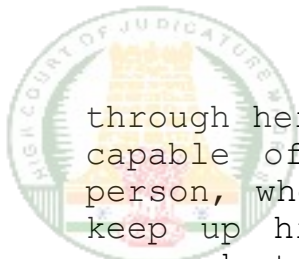
For Petitioner : Mr.AR.L.Sundaresan
Senior Counsel
for Mr.AL.Gandhimathi

For Respondent : Mr.B.Ponnupandi

ORDER

The Criminal Original Petition has been filed to quash the
proceedings in S.T.C.No.1220 of 2021 on the file of the Judicial
Magistrate, Devakottai.

2. The respondent filed private complaint for the offence
punishable under Section 500 of I.P.C as against the petitioner
alleging that the respondent is a person, who has a high social
status among his community. He is a business man and he had lot of
contacts and experience. While being so, in respect of proposed sale
of the property comprised in T.S.No.2-1B admeasuring 7413 square
feet situated at Block No.16, Town Survey Ward C, Chathirathar
Street, Devakottai Town and a sum of Rs.25,000/- was due to be
returned from the commission which was received on 20.03.2004.
Therefore, a demand notice was issued by the respondent thereby
demanding a sum of Rs.25,000/- with interest at the rate of 1% per
month by the notice, dated 18.02.2019. The petitioner replied



through her counsel, dated 01.03.2019 stating that the respondent is capable of forging the signature of the petitioner and he is a person, who is not honest in its dealing and is a person would not keep up his promise. On seeing the reply, dated 01.03.2019, the respondent had suffered mental agony and pain and that on 18.04.2019 when about 500 and odd, the same community people have congregated at Ilupakudi Nagara Car Festival at Iluppakudi Sivan Koivl, Ilupakudi, one Valliappan has alleged to have told the respondent that the petitioner had on the occasion of Thirukalyanam in the Devakottai Sivan Kovil showed the reply notice issued by her through her counsel to various people who had come there and alleged that the respondent is the person who is capable of forging the signature and he is not a honest person in his dealings and further stated the respondent would not keep up his promise. On hearing of the same from the said Valliappan, the respondent have fainted and he was given First Aid by some of the person, who had assembled in the Temple. Therefore, the respondent issued notice dated 03.06.2019 to the petitioner thereby calling upon the petitioner to tender apology for the defamation. On receipt of the same, the petitioner replied by reply dated 18.06.2019 without tendering any apology.

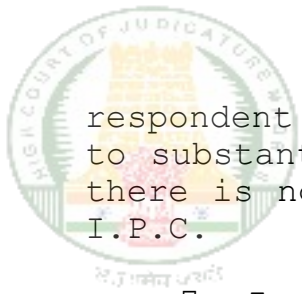
3. Heard the learned Senior Counsel appearing for the petitioner and the learned counsel appearing for the respondent and perused the materials available on record.

4. On a perusal of the materials available on record, it is seen that the learned Magistrate has taken cognizance on the complaint lodged by the respondent, that too, without even perusal of the reply sent by the petitioner, dated 18.06.2019. On perusal of the reply notice, dated 18.06.2019, the petitioner specifically denied the allegations averred in the notice, dated 03.06.2019. That apart, the petitioner's husband filed a suit in O.S.No.11 of 2005 against the respondent for recovery of money and the same was decreed. As per the decree, the petitioner's husband filed execution petition in E.P.No.98 of 2006 and thereafter, the respondent paid the decreed amount with interest.

5. It is relevant to extract the provision under Section 499 of I.P.C as follows:-

"499. Defamation.—Whoever, by words either spoken or intended to be read, or by signs or by visible representations, makes or publishes any imputation concerning any person intending to harm, or knowing or having reason to believe that such imputation will harm, the reputation of such person, is said, except in the cases hereinafter excepted, to defame that person."

6. According to the petitioner, the said notice was shown to the other same community people on the occasion of Temple festival and the name of the respondent herein. Though the



respondent averred in the complaint, no piece of evidence produced to substantiate the said averment made in the complaint. Therefore, there is no ingredients to attract the offence under Section 499 of I.P.C.

7. In view of the above, the complaint cannot be sustained as against the petitioner and it is liable to be quashed. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in S.T.C.No.220 of 2021 on the file of the learned Judicial Magistrate, Devakottai, is quashed. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

The Judicial Magistrate,
Devakottai.

+1 CC to M/s.AL.GANTHIMATHI, Advocate (SR-5245[F] dated
10/02/2022)

Crl.O.P(MD)No.16269 of 2021
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