



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25/04/2022

CORAM:

THE HON'BLE MR JUSTICE G.ILANGOVAN

Crl.O.P. (MD)No.21240 of 2018

and

Crl.MP (MD)No.9817 of 2018

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1.M.Meenakshisundaram

2.K.Sivanananththaperumal : Petitioners/A1 and A2
Vs.

1.K.Elango : R1/Complainant

2.D.Anandan

3.Vasanthan @ Virudhunagar Vasanthan
: R2 & R3/3rd, 4th Accused

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the records in CC No.207 of 2018 on the file of the Judicial Magistrate Court, Rajapalayam and quash the same in so far as the petitioners are concerned.

For Petitioners	: Mr.M.Saravanakumar
For 1 st Respondent	: Mr.M.Vijayarathanam
For R2 and R3	: No appearance

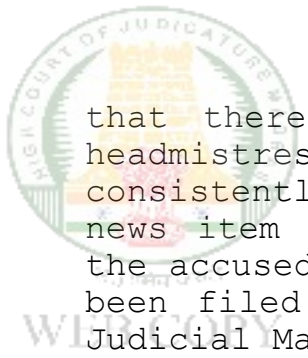
O R D E R

This criminal original petition is filed seeking quashment of the case in CC No.207 of 2018 on the file of the Judicial Magistrate Court, Rajapalayam.

2.The case of the prosecution in brief:-

The de-facto complainant lodged a complaint with the following allegations:- He was working as Middle School Teacher in Ammaiappapuram Union Middle School. A1 was working as Teacher in Rajapalayam Union Middle School. A2 is working in Sivakamiyapuram Union Middle School. A3 is the publisher of a Tamil monthly magazine called 'Namathu Vigilance'. A4 is the Special Editor of the above said magazine.

3.The de-facto complainant is a sincere teacher. In order to defame the reputation of the de-facto complainant and spoil his reputation in the public, news item was published in the above said magazine, which was published by the 3rd accused. The news item reads that this complainant misused the school children. It further reads that some of the school teachers and others informed to A1 about the conduct of the complainant. Wrong information has also been mentioned in the news item that the information has been furnished by the Village Panchayat President. It has been alleged and defamed



that there was illegal intimacy between Sivasubramanian and the headmistress. All the informations that were published are consistently defamatory in nature. A1 also passing the defamatory news item to media through several persons. Seeking punishment of the accused persons under section 500 IPC, the present complaint has been filed which was taken on file in CC No. 207 of 2018 by the Judicial Magistrate, Rajapalayam.

4. Seeking quashment of the same, A1 and A2 preferred this quash petition.

5. Heard both sides.

6. A copy of the magazine, which was published by A3 is produced along with the typed set of papers. Reading of the article shows that some sort of allegations have been made against some of the teachers, who are working in the school. It is nothing, but defamatory in nature. But however, no specific allegation has been made against the petitioners in the complaint, except stating that they also shared the common intention along with the co-accused.

7. But reading of the news article shows that the informations were not furnished by the petitioners. The article reads that A1 was transferred from the school over some allegations touching the religious attitude. Similarly in respect of A2 also, the news item does not indicate any involvement. Some sort of appreciation has been made to A1. But those things are not relevant for consideration now. *Prima facie*, it is seen that no specific overtact has been attributed against the petitioners. Absolutely, no material is available on record to show that only at the instance of the petitioners, news item appeared in the magazine. When there is no material on record to show that the petitioners also shared the common intention along with the co-accused in publishing the defamatory articles, I am of the considered view that continuation of the proceedings against the petitioners is an abuse of process of court and law. On that sole ground, this petition is liable to be allowed.

8. In the result, this criminal original petition is **allowed**. The impugned CC No.207 of 2015 on the file of the Judicial Magistrate, Rajapalayam, is quashed against the petitioners. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(P&A)

// True Copy //

/07/2022

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,
Rajapayalam,
Virudhunagar District.

+1 CC to M/s.M.SARAVANA KUMAR,
Advocate (SR-20853[F] dated
25/04/2022)
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25/04/2022

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