



CRL.O.P.No. 512 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No. 512 of 2021
and Crl.M.P.Nos. 267 & 268 of 2021

1.K.K.Kumar,
2.Tamilselvan,
3.E.Mani.

... Petitioners

Vs.

1. The Inspector of Police,
Namakkal Police Station,
Namakkal District.

2. C.Senthilkumar

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to call for the entire records with respect of the charge sheet in C.C.No.456 of 2019 on the file of the Judicial Magistrate No.1, Namakal and quash the same.

For Petitioners : Mr.R.Nalliyappan

For Respondents

For R1 : Mr.A.Gopinath
Government Advocate (Crl.Side)

For R2 : No appearance

ORDER



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This petition has been filed to call for the entire records with respect of the charge sheet in C.C.No.456 of 2019 on the file of the Judicial Magistrate No.1, Namakkal and quash the same as against the petitioners.

2.The case of the prosecution is that on 05.12.2018, accused persons had met the second respondent and said that they received a complaint against the second respondent and thereby asked him to come to hotel where they were staying. Later, they demanded a sum of Rs.50 lakhs for not to publish any news, since they are reporters. Hence, the complaint. On receipt of the complaint, the first respondent registered the First Information Report in Crime No.1030 of 2018 and conducted investigation. After conclusion of the investigation, final report has been filed before the learned Judicial Magistrate No.1, Namakkal and the same has been filed and the same has been taken cognizance by the trial Court in C.C.No.456 of 2019 for the offence under Sections 157, 387, 506(i) of and 120B of IPC.

3. Heard both sides and perused the records. The perusal of the statement of witnesses revealed that there were no specific and definite allegations were made against the the petitioners. Further, they published the issue in their magazines, on the basis of the complaint given by the depositors.



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Under such circumstances, it is not correct to project the issue against the reports and others of a magazine for publishing the issue of cheating caused by the 2nd respondent. In fact, one of the accused lodged complaint as against the second respondent on 10.12.2018 before the Superintendent of Police, Namakkal and the same was published in the magazine on 01.12.2018 and thereafter on 14.12.2018. Therefore, in order to escape from the clutches of the said complaint, 2nd respondent lodged a false complaint, as if they demanded a sum of Rs.50 lakhs from him for not to publish any news. Not only that, this allegation is not supported by any of the witnesses and as such, the final report cannot be sustained as against the petitioners and it is liable to be quashed.

4. In view of the above discussions, this Criminal Original Petition is allowed and the charge sheet in C.C.No.456 of 2019 on the file of the learned Judicial Magistrate No.1, Namakkal is hereby quashed as against the petitioners herein. Consequently connected miscellaneous petitions are closed.

06.10.2023

Internet : Yes / No
Index : Yes / No
Speaking / Non Speaking order
Sma/Apd

G.K.ILANTHIRAIYAN, J.

Sma



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WEB COPY

To

1. Judicial Magistrate No.1, Namakkal
2. The Inspector of Police,
Namakkal Police Station,
Namakkal District.
3. The Public Prosecutor
Madras High Court.

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