



1 of 6

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.07.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P Nos.6561, 6580 and 3225 of 2022
and Crl.MP.Nos.3732,1473 and 3706 of 2022

Crl.OP.No.6561 of 2022

Mr.A.N.Ramakrishnan

.. Petitioner/Accused No.8

vs.

Colonel.N.Venugopal(Retd.)

Son of Mr.B.Naraynan

residing at No.S.207

Purva Bluemont, Trichy Road

Singanallur, Coimbatore-641 005.

..Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in C.C.No.802 of 2021 on the file of Judicial Magistrate-III, Coimbatore, pending against the petitioner/8th accused for the offence under Section 500 IPC, quash the same.

For Petitioner : Mr.K.Selvakumarasamy

For Respondent : Mr.G.Balasubramanian

Crl.OP.No.6580 of 2022

Mrs.Preethe Joseph.C.

.. Petitioner/Accused No.4

vs.

Colonel.N.Venugopal(Retd.)

Son of Mr.B.Naraynan

residing at No.S.207

Purva Bluemont, Trichy Road

Singanallur, Coimbatore-641 005.

..Respondent/Complainant



PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in C.C.No.802 of 2021 on the file of Judicial Magistrate-III, Coimbatore, pending against the petitioner/4th accused for the offence under Section 500 IPC, quash the same.

For Petitioner : Mr.K.Selvakumarasamy

For Respondent : Mr.G.Balasubramanian

Crl.OP.No.3225 of 2022

Mr.A.Gurucharan

.. Petitioner/Accused No.7

vs.

Colonel.N.Venugopal(Retd.)
Son of Mr.B.Naraynan
residing at No.S.207
Purva Bluemont, Trichy Road
Singanallur, Coimbatore-641 005.

..Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in C.C.No.802 of 2021 on the file of Judicial Magistrate-III, Coimbatore, pending against the petitioner/7th accused for the offence under Section 500 IPC, quash the same.

For Petitioner : Mr.K.Selvakumarasamy

For Respondent : Mr.G.Balasubramanian



COMMON ORDER

These quash petitions have been filed by A4, A7 and A8 to quash the proceedings in CC.No.802 of 2021, pending on the file of the Judicial Magistrate No.III, Coimbatore.

2.It is brought to the notice of this Court that the other accused persons had approached this Court seeking to quash the private complaint and they had tendered unconditional apology by filing affidavits before this Court. The same was taken into consideration by this Court in CrI.OP.Nos.21262, 3682, 3698, 3683 and 3695 of 2022 by order dated 28.06.2023 and the proceedings were quashed insofar as those accused persons are concerned.

3.The petitioners, who are arrayed as A4, A7, A8 have also filed similar affidavits tendering their apology and a copy of the same has also been served on the learned counsel for the respondent. The learned counsel for the respondent fairly submitted that the affidavits can be acted upon and similar orders can be passed.

4.For proper appreciation, the relevant portions in the earlier order passed by this Court is extracted hereunder:



2. *The allegation in the complaint is that the office bearers of the association in which, the respondent/complainant is a resident had sent a communication through e-mail to the other residents and stated in the mail that the car park was allotted by the builders as a Gift to the respondent and that the allotment of the car park amounted to trespass and tampering of legal documents etc.*

3. *Mr.K.Selvakumaraswamy, the learned counsel for the petitioners submitted that the allegations would not constitute the offences alleged. The learned counsel further submitted that they did not intend to harm the reputation of respondent. Hence, he prayed for quashing of the proceedings.*

4. *Considering the fact that the dispute was primarily between the members of the association of residents and the nature of the allegation, this Court suggested to the learned counsel for the complainant/respondent to ascertain whether the respondent would be satisfied, if the petitioners rendered an unconditional apology. The learned counsel for the respondent/complainant fairly agreed to the said suggestion.*

5. *The petitioners have today filed an affidavit stating that they had no intention to defame the respondent and that if the alleged statements had hurt the sentiments of the respondent/complainant, they are tendering apology. In view of the same, the learned counsel for the complainant submitted that he has no objection for quashing of the complaint.*

6. *For the above said reasons, this Court is inclined to quash the impugned complaint. However, it is also made clear that this apology may not be construed as an admission of the offence and would not affect the rights of the parties in any other*



proceedings between them.

5. This criminal original petitions can also be disposed of in terms of the above order. Accordingly, the proceedings in C.C.No.802 of 2021 on the file of Judicial Magistrate-III, Coimbatore is hereby quashed insofar as the petitioners/ A4, A7 and A8 are concerned and it is made clear that this apology may not be construed as an admission of the offence and it will not affect the rights of the petitioners in any other proceedings between them.

6. These criminal original petitions are disposed of accordingly. Consequently, connected MPs are closed.

21.07.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
KP

To
Judicial Magistrate-III, Coimbatore.

N. ANAND VENKATESH., J.
KP



WEB COPY



6 of 6

Crl.O.P Nos.6561, 6580 and 3225 of 2022

21.07.2023