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Crl.O.P.No.11968 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.06.2023

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THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.O.P. No.11968 of 2021

&

Crl. M.P.Nos. 6764 & 6765 of 2021

B.Sundaresan

... Petitioner

Vs.

A.Palaniappan

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to call for the records concerned in C.C.No.932 of 2011 on the file of the Judicial Magistrate – I, Tambaram, Chennai and quash the same in so far as the petitioner is concerned.

For Petitioner : Mrs. R.Hemalatha
for Mr. C.Prakasam

For Respondent : Mr. R.Prasadh
for Mrs. R.Prabhavathy.



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ORDER

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The petition is filed to quash the private complainant filed for the alleged offence under Section 500 of IPC.

2. It is alleged in the complaint that the petitioner was a Reporter in a magazine called “*Adiradi Vigilance*” (அதிரடி விஜிலன்ஸ்), in which defamatory allegations have been published against the respondent herein.

3. The learned counsel for the petitioner would submit that the allegations in the publication are true and in any case there is no allegation against the petitioner.

4. This Court is of the view that the points raised by the petitioner are factual in nature and has to be adjudicated only before the Trial Court. However, considering the fact that the petitioner is aged about 75 years, the presence of the petitioner before the Trial Court is



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dispensed with, unless the learned Judicial Magistrate I, Tambaram, Chennai, considers his presence is necessary for the progress of the Trial. Since the case is of the year 2011, the learned Judicial Magistrate I, Tambaram, Chennai, shall take steps and complete the Trial, as expeditiously as possible.

5. With the above observation, the petition is dismissed. Consequently, the connected Miscellaneous Petitions are closed. No costs.

08.06.2023

Index : Yes/No
Internet : Yes/No
Neutral Citation : Yes/No

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The Judicial Magistrate I,
Tambaram,
Chennai.



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SUNDER MOHAN. J.

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