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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.08.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

CrI.O.P No.18431 of 2022
and CrI.M.P No.12154 of 2022

1.Dilli
2.M.Gopi

Petitioners

vs.

K.Balaji

Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in C.C.No.2991 of 2014 on the file of the XXIII Metropolitan Magistrate at Saidapet, Chennai and quash the same.

For Petitioners : Mr.C.Ramadoss

For Respondent : Mr.A.Arokiadoss

ORDER

This petition has been filed to quash the proceedings in CC No.2991 on the file of the XXIII Metropolitan Magistrate at Saidapet, Chennai.

2.The respondent filed a criminal complaint against the petitioners and

two others for offence under Section 500 of IPC. The petitioners have been



arrayed as A1 and A2 in the complaint. The case of the respondent is that the petitioners are the tenants and that the property was originally owned by the father of the respondent and on his demise, the property devolved on the respondent and his younger brother. There was some dispute between the respondent and his brother which resulted in civil proceedings. The respondent had demanded for monthly rent from the petitioners they are said to have refused to pay the rent to the respondent and while giving a reply to the notice, they are said to have made some defamatory statements against the respondent. This resulted in the filing of the criminal complaint before the Court below.

3. Heard the learned counsel for the petitioners and the learned counsel for the respondent.

4. It is seen from records that A3 and A4 had already approached this Court and filed CrI.O.P.No.5585 of 2020. This Court took into consideration the reply that was given by the accused persons. It is evident from the complaint itself that the reply was given individually and they were all worded identically and similarly. This Court on going through the reply given by the A3 and A4 came to the categorical conclusion that there is absolutely no defamatory statement in the reply notice to attract offence under Section 500 of



IPC. The said order, will also enure the benefit of the petitioners since the petitioners have also given a very similar reply to the respondent. This Court was pleased to quash the proceedings insofar as A3 and A4 are concerned by order dated 28.08.2020. The continuation of the proceedings as against the petitioners (A1 and A2) will clearly amount to an abuse of process of Court which requires the interference of this Court in exercise of its jurisdiction under Section 482 of Cr.P.C.

5. In the light of the above discussion, the proceedings in CC No.2991 on the file of the XXIII Metropolitan Magistrate at Saidapet, Chennai is hereby quashed and this criminal original petition stands allowed. Consequently, connected miscellaneous petition is closed.

01.08.2023

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

To

1. The XXIII Metropolitan Magistrate at Saidapet, Chennai



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N. ANAND VENKATESH,, J.

SSR

2. The Public Prosecutor,
High Court of Madras,
Madras.

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