



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.08.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.20186 of 2022
and Crl.MP.No.13268 of 2023

T.Arunachalam

Petitioner/Accused

vs.

B.Gajendran

Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records and quash the proceedings in CC No.207 of 2014 on the file of the Judicial Magistrate I, Tambaram.

For Petitioner : Mr. R.Varadharaj

For Respondent :Mr.V.Ramamurthy

ORDER

This petition has been filed to quash the proceedings in CC No.207 of 2014, pending on the file of the learned Judicial Magistrate I, Tambaram.



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2. The respondent filed a private complaint against the petitioner for offence under Section 499 of IPC punishable under Section 500 of IPC on the ground that the petitioner has made defamatory allegations against the respondent and had caused great harm to the reputation of the respondent. The main allegation that was made by the respondent is that the petitioner was continuously spreading / canvassing as if the respondent was having a illicit relationship with the wife of the petitioner. In view of the same, the esteem/reputation of the respondent came down in the eye of the general public. Therefore, according to the respondent, the petitioner has committed the offence of defamation.

3. Heard Mr. R.Varadharaj, learned counsel for the petitioner and Mr.V.Ramamurthy, learned counsel for respondent.

4. On carefully going through the materials, it is seen that the wife of the respondent had given a complaint as early as on 09.01.2012 against the respondent by specifically alleging that he is having a illicit relationship with the wife of the petitioner and that she is being treated with cruelty and therefore, she wanted the police to take action against the respondent.



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5. The petitioner had also initiated divorce proceedings against his wife in HMOP No.3199 of 2014 wherein he has also added the respondent herein as the 2nd respondent in the petition and has alleged the adulteress relationship between the respondent and the wife of the petitioner. On that ground, he has sought for dissolution of marriage.

6. There is yet another document that has to be taken into consideration and that is the proceedings initiated by the wife of the respondent against the respondent seeking for dissolution of marriage. In the said proceedings, the wife of the respondent has filed an affidavit wherein she has again stated that the respondent was having a illicit relationship with the wife of the petitioner and the same continues till date.

7. In yet another proceedings, the wife of the respondent deposing before the learned Judicial Magistrate, Tambaram, in CMP No.5633 of 2015 has gone to the extent of saying that she has seen the respondent and the wife of the petitioner in the same bed room.

8. It is clear from the above that there was a dispute between the parties since according to the petitioner, the respondent was having illicit relationship with his wife. It is not as if



the petitioner alone was talking about it and the same was also spoken with more vehemence by the wife of the respondent. In view of the same, the so called defamatory statement made by the petitioner is more a statement of fact which the petitioner believes to be true. If really, the respondent was aggrieved with what the petitioner had stated about him, he must also be aggrieved by the fact that his wife was repeatedly saying so before various forums.

9. In the light of the above discussion, this Court finds that no offence has been made out as against the petitioner for continuation of proceedings and it is an clear abuse of process of Court, which requires the interference of this Court. In the result the proceedings in CC No.207 of 2014 on the file of the Judicial Magistrate I, Tambaram. is hereby quashed.

10. This Criminal Original petition is accordingly allowed. Consequently, the connected miscellaneous petition is closed.

23.08.2023

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Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
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- To
1. The Fast Track Judicial Magistrate,
Tiruppur
 2. The Public Prosecutor,
High Court, Madras



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6

N. ANAND VENKATESH, J.

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