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Crl.O.P.Nos.21262 of 2021 and 3682,3698,3683 and 3695 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :28.06.2023

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.Nos.21262 of 2021 and 3682, 3698, 3683 and 3695 of 2022

and

Crl.M.P.Nos. 11522 of 2021 and 1766, 1749, 1770 and 1750 of 2022

1.T.V.Ranganathan

...Petitioner/1st Accused in
Crl.O.P.No.21262 of 2021

2.Senthil Kumar Viswanathan

...Petitioner/6th Accused in
Crl.O.P.No.3682 of 2022

3.Arunkumar Madhavan Kutty Menon

...Petitioner/2nd Accused in
Crl.O.P.No.3698 of 2022

4.D.Vijai Anand Kumar

... Petitioner/5th Accused in
Crl.O.P.No.3683 of 2022

5.C.Arvinth

...Petitioner/9th Accused in
Crl.O.P.No.3695 of 2022

Vs.

Colonel N.Venugopal (Retd)

... Respondent/Complainant in
all Crl.O.Ps



COMMON PRAYER: Criminal Original Petitions have been filed under Section 482 of the Criminal Procedure Code, to call for the entire records in C.C.No.802/2021 (on the file of Judicial Magistrate – III, Coimbatore) and quash the same.

For Petitioners : Mr.K.Selvakumaraswamy
in Crl.O.P.No.21262 of 2021
Mr.S.Prabhu
in Crl.O.P.Nos.3682, 3698, 3683
and 3695 of 2022

For Respondent : Mr.S.Anand
for Leela and Co in all Crl.O.Ps

COMMON O R D E R

These petitions are to quash the private complaint for the alleged offence under Sections 500 and 501 of IPC on the file of the learned Judicial Magistrate III, Coimbatore.

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.



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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.

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7. With the above observations, these Criminal Original Petitions are allowed. Consequently, the connected Miscellaneous Petitions are closed.

28.06.2023

dk

NCC: Yes/No

Index: Yes/No

Speaking/Non Speaking Order



Crl.O.P.Nos.21262 of 2021 and 3682,3698,3683 and 3695 of 202



To

1.The Judicial Magistrate III
Coimbatore.

2.The Public Prosecutor
High Court of Madras
Chennai – 600 104.



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SUNDER MOHAN. J,
dk

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