



CrI.O.P.No. 27518 of 2019

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.06.2023

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

CrI.O.P. No. 27518 of 2019

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CrI. M.P. No. 14700 of 2019

1. K.M.Pradeep
2. P.K.Ranjan
3. P.Vinod Kumar
4. P.P.Radhakrishnan
5. K.M.Gireesh Kumar
6. K.M.Ganesh
7. P.C.Dinesh
8. P.C.Divandhan
9. K.M.Raveendran
10. P.K.Pradeep Kumar
11. K.M.Balan



Crl.O.P.No. 27518 of 2019

WEB COPY

12. Ajayan

13. K.Chidanandan

14. K.M.Pavithran

15. K.M.Prakashan

... Petitioners

Vs.

N. Satheesan

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to call for the records of the above mentioned impugned Private Criminal Complaint in S.T.C.No.570 of 2018 on the file of the Judicial Magistrate, Mahe and quash the same.

For Petitioners : Mr. P.Dinesh Kumar

For Respondent : Mr. D.Prasanna



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Crl.O.P.No. 27518 of 2019

ORDER

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

2. It is alleged in the impugned complaint that the petitioners had lodged a complaint against the respondent before the Inspector General of Police, Puducherry, which was false and that the petitioners had stolen the letter pad of the President of the Sree Krishna Bajana Samithi, Choodikotta, a registered association and had lodged the said complaint; that the allegations in the said complaint are false and frivolous and were made with an intention to harm the respondent's reputation. Therefore, the petitioners are liable for the alleged offence of defamation.

3. The learned counsel for the petitioners would submit that the allegations even if accepted to be true did not constitute the offence of



defamation. Admittedly, the complaint was lodged on behalf of the Association and the petitioners cannot be held guilty for the offence of defamation. There is no allegation in the impugned complaint to suggest that the petitioners had any role in the said complaint lodged on behalf of the Association. The learned counsel further submitted that in any case the complaint lodged before the Inspector General of Police, Puducherry, cannot be said to be made with an intent to harm the reputation of the respondent. Hence, the impugned complaint is liable to be quashed.

4. The learned counsel for the respondent on the other hand submitted that there are allegations to show that the letter pad of the President was stolen and hence the complaint itself is a result of forgery committed by the petitioners. It is not only the case of defamation but also other offences made out and hence the impugned complaint cannot be quashed.



5. This Court on perusal of the impugned complaint finds that the allegation is that the respondent's reputation was harmed because of the complaint said to have been given by the petitioners. The complaint is that the respondent assaulted one Venugopal who is the General Secretary of the Temple, while he was engaged in the collection for the temple festival at Parakkal and abused him in filthy language. This Court is of the view that the complaint made to the Inspector General of Police, Puducherry who is the competent authority to investigate the offences would not amount to defamation. The question as to whether the complaint is false has to be decided by the authority, who received a complaint. There is no allegation that the complaint was intended to lower the reputation of the respondent in the estimation of others; which is an essential ingredient as can be seen from Explanation 4 to Section 499 IPC. This Court also finds that the impugned complaint has been taken cognizance for the offence under Section 500 IPC and not for the offence of forgery. Further, there is no allegation as to who amongst the petitioners had stolen the letter pad and given the alleged false complaint.



Crl.O.P.No. 27518 of 2019

WEB COPY

6. For the above said reasons, the impugned complaint is liable to be quashed. Accordingly, the petition is allowed. Consequently, the connected miscellaneous petition is closed. No costs.

23.06.2023

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Index : Yes/No

Internet : Yes/No

Neutral Citation :Yes/No

To

1. The Judicial Magistrate,
Mahe.



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CrI.O.P.No. 27518 of 2019

SUNDER MOHAN. J,

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CrI.O.P.No. 27518 of 2019

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