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CrI.O.P.No.33935 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 10.03.2023
Pronounced on : 14.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

CrI.O.P.No.33935 of 2019

and

CrI.M.P.No.18721 of 2019

M.Krishna

... Petitioner

Vs.

P.Kumar

...Respondent

Prayer: This Criminal Original Petition has been filed to call for the records and quash the Criminal Proceedings in C.C.No.399 of 2019 pending on the file of the Judicial Magistrate No.1, Thiruvallur registered Section 500 of the Indian Penal Code R/W Sections 190 (1) and 200 of the Code of Criminal Procedure.

For Petitioner : Mr.R.Singaravelan

Senior Counsel

For Respondent : Notice Served



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ORDER

This Criminal Original Petition has been filed to quash the private complaint in C.C.No.399 of 2019 on the file of learned Judicial Magistrate No. I, Thiruvallur for the alleged offence under Section 500 of I.P.C.

2.It is the case of the complainant that the petitioner had made certain statements in the representation dated 02.08.2022 sent to the HR & CE Department and other Government Officials. The said statements were defamatory in nature and hence, the reputation of the complainant was harmed. The allegation is that the petitioner had stated that the defacto complainant along with this henchman had started an association to grab the properties of the temple and in the process had committed several irregularities and malpractices.

3.Mr.R.Singaravelan, learned Senior Counsel appearing for the petitioner would submit that the petitioner had only sent a representation to HR & CE stating that the complainant had formed a Sangam by name "*Kolam Konda Amman Aalaya Seva Sangam*". The name of the Sangam was highly misleading and made it appear that it had connection with the temple which was managed by the HR & CE Department. The petitioner had only sent a representation in the form of complaint



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listing out the malpractices of the respondent/complainant. The said complaint cannot be said to be defamation within the meaning of Section 499 I.P.C.

4. Heard the learned Senior Counsel for the petitioner. Though notice was served on the respondent, the respondent has not entered appearance before this Court.

5. The reading of the complaint would show that the petitioner had complained to the HR & CE Department and other officials by his representation dated 02.08.2018, regarding the activities of the complainant and the Sangam formed by him. The main objection of the petitioner was that the respondent/complainant had named the Sangam as “Kolam Konda Amman Aalaya Seva Sangam” which gave an impression to the general public that the Sangam was run by the temple authorities. The petitioner had made representation to the HR & CE Department and other officials only for the purpose of bringing to their notice, certain acts of the respondent. The alleged defamatory statements extracted by the respondent in the complaint would show that the petitioner's representation was not for the purpose of harming the reputation of the respondent. This was the representation sent privately to the authorities concerned. The complaint was not published or intended to be read by



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the general public. It was addressed to the officials of HR & CE Department, for the purpose of taking action against the respondent herein. There is nothing in the representation to suggest that it was meant to cause harm to the reputation of the complainant. Mere sending of representation to the HR & CE Department by the petitioner aggrieved by certain acts for the respondent would not attract the offence of defamation. In the facts and circumstances of the case, this Court is of the view that the impugned complaint does not disclose the offence of defamation as against the petitioner. Therefore, the impugned complaint is liable to be quashed.

6. Accordingly, the Criminal Original Petition is allowed. Consequently, the connected miscellaneous petition is closed.

14.03.2023

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Index: Yes/No

Speaking Order / Non-Speaking Order

Neutral Citation: Yes / No



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To
The Judicial Magistrate No.1.
Thiruvallur



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SUNDER MOHAN, J

dk

Pre-delivery order in

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and

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14.03.2023