



Crl.O.P.(MD)No.4091 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.08.2023

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

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1.Muruganantham

2.Thanam

3.Sugasiva

4.Jeyalakshmi

5.Thirupathy

6.Ramesh

7.Thirumani

8.Suvitha

9.Jeyamurugan

10.Chirta

11.Vetrivel

12.Velkani

13.Isakkimuthu

14.Senthurkani

1/9



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15.Rasathi

16.Pandarakani

17.Sendu

18.Ponnathal

19.Paulkani

... Petitioners

Vs.

Muthukrishnan

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in C.C.No.56 of 2018 on the file of the learned Judicial Magistrate, Nanguneri and quash the same in respect of the petitioners.

For Petitioners : Mr.T.A.Ebenezer

For Respondent : Mr.A.Ajith Geethan

ORDER

This Criminal Original Petition has been filed to quash the proceedings in C.C.No.56 of 2018 on the file of the learned Judicial Magistrate, Nanguneri as against the petitioners.



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2. According to the petitioners, they are implicated as accused in private complaint for the alleged offence under Section 500 IPC, which was taken on file in C.C.No.56 of 2018 by the learned Judicial Magistrate, Nanguneri. The respondent is an Advocate residing in petitioners' village for more than 14 years and the villagers are illiterate. The respondent used to threaten the villagers by saying that the villagers should be slave to him and he used to stand in the street in vulgar stage and abuse the village ladies. If anyone question him, he would prefer false cases against them and made the police to register FIR by using his power as an Advocate. The first and second petitioners preferred a complaint as against the respondent before Tamil Nadu Bar Council and President of Nanguneri Bar Association, after getting signatures from the villagers, who are other petitioners herein. In the said complaint, the petitioners raised their doubt whether the respondent had studied law and the college in which he studied should be enquired. Based on the above said complaint made by the petitioners, the respondent had filed the present private complaint alleging that due to such false complaint, he is defamed. In fact, the above said complaint would not amount to



defamation. The petitioners preferred complaint against the respondent in which accusations are made in good faith. The respondent implicated some villagers in false criminal cases on the file of the Vijayanagaram Police station in Cr.No.25 of 2017 and Cr.No.43 of 2017. The petitioners 5, 6 and 7 never signed in the said complaint. Already, the father of the respondent has filed a civil suit against the petitioners 5, 6 and 7 in O.S.No.41 of 2017. Due to civil dispute, the respondent forged their signatures in the complaint and made as party in the private complaint. The respondent is abusing his power as an Advocate and he dragged total villagers before the Court through private complaint, which is pure abuse of process of law. Hence, the private complaint in C.C. No.56 of 2018 pending on the file of the learned Judicial Magistrate, Nanguneri is liable to be quashed.

3.No counter was filed by the respondent.

4.The learned counsel appearing for the petitioners would contend that the respondent had given complaint before the learned Judicial Magistrate, Nanguneri with false allegations and the learned Magistrate



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also taken cognizance in C.C.No.56 of 2018 for the offence under Section 500 IPC. In fact, no such offences were made out as against the petitioners. The respondent, being an Advocate, had misused his powers and he threatened the villagers by stating that he will prefer false complaint and thereby, the first and second petitioners preferred a complaint before the Tamil Nadu Bar Council and President of Nanguneri Bar Association. Due to the same, the respondent has filed the present complaint. In fact, the averments made in the complaint, which was given by the 1st and 2nd petitioners, are true and the complaint was given in a good faith. The above said complaint would come under 8th exception of Section 499 IPC. Therefore, the petitioners have not committed any offence as alleged in the private complaint.

5.The learned counsel appearing for the respondent would contend that the petitioners, in order to defame the respondent's name, filed such complaint before the Tamil Nadu Bar Council and President of Nanguneri Bar Association and as per the complaint, the petitioners averred false allegations as against the respondent. Therefore, the respondent preferred a private complaint before the learned Judicial



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Magistrate, Nanguneri and since there are prima facie materials available as against the petitioners, the learned Magistrate taken cognizance under Section 500 IPC in C.C.No.56 of 2018. At this stage, this Court need not quash the complaint and the petitioners have to face the trial. Hence, this petition is liable to be dismissed.

6.Heard both sides and perused the materials available in the records.

7.On perusal of records shows that the respondent herein had given complaint before the learned Judicial Magistrate stating that the petitioners sent a complaint to the Tamil Nadu Bar Council and President of Nanguneri Bar Association, in order to defame the respondent. Based on the above said complaint given by the respondent, the learned Magistrate taken cognizance for the offence under Sections 500 IPC in C.C.No.56 of 2018. According to the petitioners, the respondent being an Advocate, misused his power and foisted false case as against the villagers and thereby, the petitioners sent a complaint to the Tamil Nadu Bar Council and President of Nanguneri Bar Association and they have



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no intention to defame the name of the respondent and they preferred the above said complaint in a good faith.

8.It is also seen that the respondent had given false complaints and FIRs were also registered as against the villagers in Cr.No.25 of 2017 and Cr.No.43 of 2017 by the Inspector of Police Vijayanagaram Police Station. The petitioners have also sent the complaint with certain allegations as against the respondent and the same is pending with the concerned authorities. At this stage, it cannot be decided as to whether the allegations made in the complaint are true or not. Since the matter is pending before the concerned authorities, without conducting an enquiry, it cannot be said that the allegations made in the complaint are defamed the name of the respondent.

9.On careful perusal of the alleged complaint and pending FIRs shows that there are some dispute pending between the parties. Affected people sent representation before the Tamil Nadu Bar Council and President of Nanguneri Bar Association and at this stage, the veracity of the said complaint cannot be decided. Therefore, no offences are made



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out as against the petitioners. In the complaint 19 persons were added as accused. This attitude of the respondent would show his intention to rope the villagers and it is clear abuse of process of law. Hence, the pending private complaint in C.C.No.56 of 2018 is liable to be quashed and accordingly, private complaint in C.C.No.56 of 2018 pending on the file of the learned Judicial Magistrate, Nanguneri is quashed and this criminal original petition is allowed.

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NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

The Judicial Magistrate,
Nanguneri



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P. DHANABAL,J.

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