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Crl.O.P.No.8797 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.02.2024

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.8797 of 2022

and

Crl.M.P.No.5124 of 2022

Nanjil Sampath

... Petitioner

Versus

The Public Prosecutor,
Cuddalore District,
Cuddalore.

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to the proceedings in C.C.No. 1 of 2018 on the file of the Principal Sessions Judge of Cuddalore and quash the above entire criminal proceedings.

For Petitioner : Mr.S.Conscious Ilango

For Respondent : Mr.S.Vinoth Kumar,
Govt. Advocate (Crl. Side)



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ORDER

This Criminal Original Petition has been filed seeking to quash the charge sheet in C.C. No. 1 of 2018 on the file of learned Principal Sessions Judge, Cuddalore.

2. Heard both sides.

3. The petitioner is an accused in a criminal case filed under Sec.199 (2) of Cr.P.C. in C.C. No.1 of 2018 by the respondent Prosecutor for the offence under Sec.499 and 500 of I.P.C. Aggrieved over that, the petitioner had filed this petition praying to quash the said criminal case.

4. The learned counsel for petitioner would submit that he has not made any statement affecting the discharge of public duties of respondent. Therefore, the petition filed under Sec.199(2) of Cr.P.C. as such is not maintainable and even assuming that those allegations are proved, it is only a personal statement and as a Propaganda Secretary of All India Anna Dravida Munnetra Kazhagam, he was addressing in various meetings. Only due to political vengeance, at the instigation of then ruling party, the Prosecutor had filed the said criminal case, as such



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is not maintainable and also when there is no basic ingredients to attract the offence under Sec. 499 and 500 of I.P.C. Hence, the said criminal case is liable to be quashed as it is vexatious one.

5. The learned Government Advocate (Crl. Side) appearing for respondent would submit that he has to follow certain norms as a Propaganda Secretary for the particular political party, but by violating norms, he raised statements. Hence, he is liable to be prosecuted under Sec.499 and 500 of I.P.C.

6. Considering both side submissions and also on perusal of records, it reveals that he was a Propaganda Secretary of a particular political party and before the election, there was some meeting was held, wherein he has made such statement. On seeing the statements, it reveals that the alleged statements are not made against the respondent and he has not caused any hindrance in the discharge of public duties of respondent party. Therefore, when there is no allegation of defamation against the respondent, they have no right to proceed with the complaint. However, on considering objections made by the prosecutor, this Court directs the petitioner to maintain decorum while propagating other



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dignitaries of a particular party in a dignified manner. Hence, I do not find any merit in the criminal case initiated against the petitioner and the same is liable to be quashed. Accordingly, this Criminal Original Petition is allowed and the proceedings initiated against the petitioner in C.C.No.1 of 2018 on the file of Principal Sessions Court, Cuddalore is quashed. Consequently, connected Criminal Miscellaneous Petition is closed.

15.02.2024

Index: Yes/No
Internet: Yes/No
rpp

To

1. The Public Prosecutor,
Cuddalore District,
Cuddalore.
2. The Public Prosecutor,
High Court, Madras.

T.V.THAMILSELVI, J.



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