



C.R.P. (PD) .No. 3663 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.09.2024

CORAM

THE HONOURABLE Mr. JUSTICE

V.LAKSHMINARAYANAN

C.R.P.(PD).No. 3663 of 2024

&

C.M.P.No. 19893 of 2024

1.D.Sureshbabu

2.K.Logesh

3.G.Vanaja

4.C.Jothilakshmi

5.D.Indirani

6.V.Velumani

7.N.Shanmugam

8.J.Suguna

9.K.Balasubramaniam

...Petitioners



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Vs.

1.G.Moganasundaram

2.S.Karunakaran

3.S.V.Raju

4.S.Balakrishnan

5.N.Ramamoorthy

6.K.T.Meganathan

7.R.Umavathi

...Respondents

Prayer: Petition is filed under Article 227 of the Constitution of India against the O.S.No.443 of 2024 on the file of the Court of the Additional District Judge, Coimbatore.

For Petitioner : Mr. T.Arunkumar

ORDER

Mr.R.Amardeep would plead that the complaint lodged with a



statutory authority grants an absolute immunity to the defendants from not being proceed with defamation.

2. Law makes a difference between absolute privilege and qualified privilege. Whether the case falls within that scope, it is a matter which has to necessarily be agitated by way of evidence and thereafter in the arguments.

3. A reading of the plaint shows that the plaintiffs are aggrieved on account of defamatory statement made by the defendants during the course of a proceedings before the officials constituted under the HR & CE Act. If a statement is made during the course of proceedings, the party is entitled to absolute privilege.

4. Further, Mr.Justice D.Bharatha Chakravarthy in ***C.R.P.(MD).No.671 of 2022 dated 23.08.2004*** has taken a view that unless and until pushing parties to litigation would amount to



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injustice, the Court should not interfere under Article 227 of the Constitution of India. Respectfully following the Judgement of the learned Judge, I am of the view that the issues raised by Mr.Amardeep has to be adjudicated before the Trial Court.

5. With the above observation, the Civil Revision Petition is dismissed. Consequently, the connected miscellaneous petition is closed. No costs.

19.09.2024

Index : Yes/No
Internet : Yes/No
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To

The Additional District Judge,
Coimbatore.



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V.LAKSHMINARAYANAN, J.

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