



Crl.O.P(MD).No.2723 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.06.2024

CORAM :

THE HON'BLE MR JUSTICE A.A.NAKKIRAN

Crl.O.P(MD)No.2723 of 2021

and

Crl.MP(MD)No.1443 of 2021

Samlee
S/o.Kolappan,
Owner of Loofty Optical Industries,
No.8/1-1, "See Laards Building",
Pudhukadai,
Vilavankode (T.K),
Kanniyakumari District. ... Petitioner / Accused

Vs.

M.Rengarajan ... Respondent / Complainant

PRAYER:- Petition filed under Section 482 Cr.P.C., to call for the records in connection with the impugned Charge Sheet in C.C.No.455 of 2020 on the file of the learned Judicial Magistrate No.II, Kulithurai, Kanniyakumari District and quash the same as illegal as against the petitioner.

For Petitioner : Mr.KA.Ramakrishnan

For Respondent : Mr.K.Veilmuthu



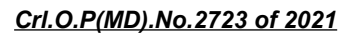
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ORDER

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This criminal original petition has been filed to quash the impugned Charge Sheet in C.C.No.455 of 2020 on the file of the learned Judicial Magistrate No.II, Kulithurai, Kanniyakumari District.

2.The case of the prosecution is that the petitioner is a Law Graduate and he was served as “Crypto Crafter” in Indian Air Force. The respondent was working under the petitioner's Company namely, “Lofty Optical Industries” as General Manager (Marketing) from December 2011. On 03.10.2017, the respondent has sent a mail to the petitioner's Company that he is resigning his job from the above said Company. Subsequently, on 31.12.2017, he was relived. Later, the respondent came to know that in the months of March, April and May, 2018, the petitioner sent a letter to his clients as '*This is to inform you that we have terminated Mr.Rengarajan, General Manager of Marketing on 01.01.2018*', with an intention to defame the reputation of the respondent in society. Hence, he has filed a Private complaint before the learned Judicial Magistrate No.II, Kulithurai, Kanniyakumari District and the same was taken on file in C.C.No.455 of 2020 for the offences under Sections 500 and 501 of IPC. Aggrieved by the same, present petition has been filed.



“5.Firstly, in the complaint, there is no specific allegation against the petitioner (A2) that he has sent any letter containing defamatory allegation. Even according to the complainant, the petitioner (A2) has simply forwarded the letter sent by the Chief Manager of Bank of India to M/s/SPIC Ltd to the complainant intimating about the overdrawn dues to be paid by him.

<https://www.mhc.tn.gov.in/judis>
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instead of sending back the letter to the Bank Manager, himself entertained the same and chose to forward the said letter to the complainant and put the letter in the personal file of the complainant and thereby, abetted the offence punishment u/s 500 IPC.

7.These wordings in the complaint would clearly show that there is no allegation that the petitioner committed the offence u/s 500 IPC. As indicated above, when the complaint was filed for the offence u/s 500 r/w 34 IPC, the same was taken on file for the offence u/s 500 IPC alone and therefore, the allegation contained in the complaint would not make out the offence u/s.500 IPC as far as the petitioner (A2) is concerned.

8.Secondly, even according to the complaint, the letter sent by the Bank Manager to M/s.SPIC Ltd was merely forwarded by the petitioner to the complainant with a covering letter. The said covering letter was only addressed to the complainant and it was not intended for others. Therefore, the main ingredient, namely, publication is absent for constituting the offence u/s 500 IPC.

9.On the above reasonings, I am of the view that the proceedings as against the petitioner (A2) are liable to be dropped and as such, the order of the sessions Court setting aside the order of the trial Court is sent aside. The only mistake committed by the



trial Court is that instead of invoking Section 204 Cr.P.C., to drop the proceedings, it has invoked Section 258 Cr.P.C., which would relate to stopping of proceedings.

10. In the result, the Criminal Revision case is allowed. Consequently, Crl.M.P.No.5801 of 1999 is closed.”

- Accordingly, he prayed to quash the impugned charge sheet.

4. The learned counsel appearing for the respondent submitted that the respondent sent a resigning letter to the petitioner's Company on 03.10.2017 even though, he was relieved by the said Company on 31.12.2017. Thereafter, per contra to the above mentioned fact, the said company sent a letter to their clients stating that they had terminated the respondent from his job for the reason that the respondent has swindled the amount of Company. With an intention to defame the reputation of the respondent, the petitioner's Company sent such a letter to their clients instead of sending a letter to their clients that they relieved him from the job. Hence, there is specific allegation as against the petitioner. Accordingly, he prayed for dismissal of this petition.



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5. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent.

6. From the perusal of the judgment of this Court in ***J.Chellappa Vs. J.Selvaraja & J.Suresh Kumar*** reported in ***(2002) 3 CCR 378*** relied by the learned counsel appearing for the petitioner, this Court is of the considered view that the above said judgment is squarely applicable to the present case on hand. Hence, this Court is inclined to quash the impugned proceedings against the petitioner.

7. Accordingly, the impugned Charge Sheet in C.C.No.455 of 2020 pending on the file of the learned Judicial Magistrate No.II, Kulithurai, Kanniyakumari District, is hereby quashed and the Criminal Original Petition is allowed. Consequently, the connected miscellaneous petition is closed.

20.06.2024

NCC : Yes / No
Internet : Yes / No
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To

The Judicial Magistrate No.II, Kulithurai,
Kanniyakumari District.



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A.A.NAKKIRAN, J.

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