



*CrI.O.P.(MD)No.10080 of 2024*

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.12.2024

CORAM:

**THE HON'BLE MR JUSTICE K.K.RAMAKRISHNAN**

CrI.OP(MD)No.10080 of 2024

and

CrI.MP(MD)Nos.6838 & 6839 of 2024

1.S.K.Murugan

2.San.Saravanakumar

3.V.Manickavasagam

... Petitioners/Accused Nos.2 to 4

vs.

1. K.Senthil

2.The Superintendent of Police,  
Vigilance and Anti-Corruption,  
Madurai.

... Respondents 1& 2 / Complainants

(R2 is suo-motu impleaded as per order of the Court dated 08.07.2024 in CrI.O.P.(MD)No.10080 of 2024)

PRAYER: Criminal Original Petition filed under Section 482 of CrI.P.C, to call for the records in C.C.No.2066 of 2022 pending on the file of the Judicial Magistrate No.II, Madurai, for the alleged commission of offences under Sections 499 and 500 of IPC and quash the same.

For Petitioners : Mr.M.Nila

For R1 : Mr.N.Sathish Babu

For R2 : Mr.R.Meenakshi Sundaram

Additional Public Prosecutor



*Crl.O.P.(MD)No.10080 of 2024*

## **ORDER**

**WEB COPY** This petition has been to quash the proceedings in C.C.No.2066 of 2022 on the file of the learned Judicial Magistrate No.II, Madurai.

2.The first petitioner is the Editor and the petitioners 2 & 3 are the Reporters of Kumudam Publications Private Limited, Chennai. On 26.10.2021 and 29.10.2021, two articles titled “விஜயபாஸ்கருக்கு கொரோனா ராக்” and “விஜிலென்ஸ் வளையத்தில் 94 அரசு மருத்துவர்கள்” were published in a magazine namely, “Kumudam” and these articles focussed the raid conducted at the residence of ex-Health Minister namely, Vijay Baskar, revealing evidence obtained from officials of the department and fellow doctors. Subsequently, on 06.11.2020, an article titled “Rowdy Doctor” was published in the same magazine alleging that the defacto complainant threatened Mr.Thirumal, the Joint Director of Health Services, Perambalur. When the same was questioned by the defacto complainant, they replied that the allegations were based solely on an audio recording, acknowledged as true by Mr.Thirumal during an interview conducted by the second petitioner and based on the news broadcasted on a specific satellite. These articles implicated Vijay Baskar, ex-Health Minister, and the respondent and further alleged their



*CrI.O.P.(MD)No.10080 of 2024*

involvement in irregularities in the Government hospitals during the COVID-19 pandemic. It also specifically, alleged substantial amounts was collected for facilitating transfers of medical personnel. Further, it was alleged that, during the ministership of said Vijaybaskar's i.e., since 2016, several medical officers, including the respondent, unlawfully, acquired properties. Since the aforementioned articles were published without verifying the veracity of the facts, the first respondent/defacto complainant filed a private complaint before the learned Judicial Magistrate No.II, Madurai, for defamation and the same was taken on file in C.C.No.2066 of 2022. Challenging the same, the petitioners herein are filed this petition.

3. The learned counsel for the second respondent submitted that Non-bailable Warrant is pending against the petitioners.

4. The learned counsel for the petitioners made lengthy submissions and this Court expressed its difficulty to appreciate the said detailed submission at this stage. Hence, the learned counsel sought permission of this Court to raise the above contentions before the learned trial Judge. Further, she prayed to dispense with the appearance of the petitioners before the trial Court during trial proceedings.



*Crl.O.P.(MD)No.10080 of 2024*

**WEB COPY** 5.This Court is inclined to accept the request of the learned counsel for the petitioners. Hence, this petition is disposed of with the following directions:

5.1. The petitioners are directed to raise all the points before the trial Court at the time of trial.

5.2. The learned Judge is directed to consider all the points independently without influenced by the disposal of this quash petition.

5.3. Considering the request made by the learned counsel for the petitioners, the appearance of the petitioners is dispensed with before the trial Court on all hearing dates except the following hearings:

5.3.1. The date of initial questioning to answer the charges;

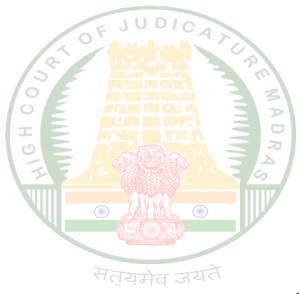
5.3.2. The date of questioning under Section 313 Cr.P.C;

5.3.3. On the date of Judgement.

5.4. The petitioners are directed to give an undertaking in the form of affidavit that they will be duly be represented by a counsel on all hearing dates.

5.5. The petitioners shall not dispute the identity of the witnesses.

5.6. The petitioners shall appear before the Court in the event their presence is insisted by the trial judge for the purpose of identification.



WEB COPY



*CrI.O.P.(MD)No.10080 of 2024*

5.7. If the petitioners adopt any dilatorial tactics, it is open to the Trial Court to insist for their appearance and deal with the petitioners in accordance with the judgment of Supreme Court of India in *State of Uttar Pradesh Vs. Shambunath Singh*, reported in 2001 (4) SCC 667.

Consequently, connected miscellaneous petitions are closed.

**13.12.2024**

NCC : Yes/No

Internet : Yes/No

Index : Yes/No

dss

To

1. The Judicial Magistrate No.II,  
Madurai.
2. The Superintendent of Police,  
Vigilance and Anti-Corruption,  
Madurai.
- 3.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court, Madurai.



WEB COPY



*Crl.O.P.(MD)No.10080 of 2024*

**K.K.RAMAKRISHNAN,J.**

dss

Crl.OP(MD)No.10080 of 2024  
and  
Crl.MP(MD)Nos.6838 & 6839 of 2024

13.12.2024