



Crl.O.P.(MD)No.13259 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **21.11.2024**

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.(MD) No.13259 of 2023

Balaji @ Balasubramanian Balaji

... Petitioner

Vs.

Arjun

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to set aside the impugned return docket order dated 28.06.2023 passed by the Judicial Magistrate Court No.I, Madurai and consequently direct the aforesaid court to number the Petitioners private complaint dated 14.06.2023.

For Petitioner : Mr.R.Murugappan

For Respondent : No appearance

ORDER

This petition has been filed challenging the docket order passed by the learned Judicial Magistrate No.1, Madurai, refusing to entertain the private complaint filed by the petitioner for offences under Sections 499 and 500 of IPC.



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2.The case of the petitioner is that the respondent filed a false complaint before the police as if the petitioner violated the Copyright of the respondent. Based on the same, an FIR came to be registered in Crime No.5 of 2022 for various offences under IPC and under the Copyright Act. The petitioner filed a quash petition before this Court in Crl.O.P.(MD) No.3380 of 2023. When the petition came up for hearing on 13.03.2023, it was informed to this Court that the complaint given by the respondent was found to be false and in view of the same, the further action has been dropped. Recording the same, the Criminal Original Petition was disposed.

3.The grievance of the petitioner is that the false complaint given by the respondent virtually defamed the petitioner and caused a huge damage to the business and reputation of the petitioner. The respondent had posted this complaint even in the social media which invited adverse comments from many of the viewers. Thus, according to the petitioner, the imputation on the part of the respondent was done with an intention to cause harm to the reputation of the petitioner. In view of



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the same, the petitioner has chosen to file a private complaint against the respondent for the offence of defamation.

4.The Court below by order dated 28.06.2023, refused to entertain the complaint on the ground that such adverse comments were made only by the general public who had viewed the social media post that was made by the respondent and therefore, there is no defamation.

5.In the considered view of this Court, the Court below has to only see if a *prima facie* case is made out at the time of dealing with the complaint. The views expressed by the general public was as a result of the respondent posting the false complaint in the social media. Such views would not have been given if the respondent had not posted the complaint in the social media. Therefore, the petitioner feels that the imputation made by the respondent has caused harm to the reputation of the petitioner. This issue was lost sight off by the Court below.

6.In the light of the above discussion, the docket order passed by the Court below dated 28.06.2023 returning the complaint



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filed by the petitioner is hereby set aside. The petitioner is permitted to represent the complaint before the learned Judicial Magistrate No.1, Madurai and the same shall be taken on file and shall be dealt in line with the procedure contemplated under Chapter XVI of BNSS, 2023.

7.This Criminal Original Petition stands allowed with the above direction.

21.11.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
PKN

To

Learned Judicial Magistrate No.1, Madurai.



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N.ANAND VENKATESH,J.

PKN

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