



WEB COPY

CRL OP No. 25458 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-09-2025

CORAM

THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

CRL OP No. 25458 of 2025

and

CRL MP NO.17223 OF 2025

1. V.Muthu Gurusamay

2.M. Ambika

3. Jayapriya

Petitioner(s)

Vs

1. The Inspector of Police (L &O)

N 2, Kasimedu Police Station,
Royapuram, Chennai 600 013.

2.Esther Rani

Respondent(s)

PRAYER

This Criminal Original Petition is filed under Section 528 of BNS to quash the FIR bearing No.312 of 2025 dated 28.07.2025 under section 356(2) of BNS for the offence of defamation on the file of the 1st respondent/ complainant against the petitioner and the family.



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For Petitioner(s): Mr.M.Boopathy

For Respondent(s): Mr.R.Vinoth Raja
Government Advocate (Crl.Side)
For R1

ORDER

This Criminal Original Petition has been filed to quash the FIR in Crime No.312 of 2025 dated 28.07.2025 for the offence of defamation under section 356(2) of BNS on the file of the 1st respondent.

2. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) appearing for the first respondent-Police and perused the materials available on record.

3. Allegation made in the F.I.R is that the accused who are the petitioners herein made a defamation statement as against the defacto complainant. Based on the complaint given by the defacto complainant, the respondent-Police registered a case in Crime No.312 of 2025 on 28.07.2025, for the offence under Section 356(2) of BNS.



4. It is pertinent to note that no Court can take cognizance of the offence especially under Section 356 of BNS, except upon the complaint made by some aggrieved person. To prosecute the offence under Section 356 of BNS, the proper way is to file a private complaint. Whereas, in this case, F.I.R has been registered. Registering of such an F.I.R is contrary to law and the same cannot be sustained in the eye of law. Hence, this Court is inclined to quash the impugned F.I.R and the same shall stand quashed. However, liberty is given to the second respondent to pursue a private complaint.

5. With the abovesaid direciton, this Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

17-09-2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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1. The Inspector of Police (L & O)

N 2, Kasimedu Police Station,
Royapuram, Chennai 600 013.

2. The Public Prosecutor,
High Court, Chennai.



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N.SATHISH KUMAR J.

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