



CRP(MD). No.1397 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 08.12.2025

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THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

**CRP(MD). No.1397 of 2025
and
CMP(MD) Nos.7204 and 15413 of 2025**

Solaisamy

... Petitioner

Vs

1.Rajendran

2.Muthumariappan

3.Nandhakumar

... Respondents

PRAYER :-Civil Revision Petition filed under Article 227 of the Constitution of India, to struck off the plaint in O.S.No.102 of 2023 on the file of the Subordinate Court, Sivakasi.

For Petitioner : Mr.S.Kishore Kumar

For R1 : Mr.J.Jeyakumaran

ORDER

This Civil Revision Petition has been filed to strike off the plaint in O.S.No.102 of 2023 on the file of the Subordinate Court, Sivakasi.



CRP(MD). No.1397 of 2025

WEB COPY

2.The petitioner herein is the third defendant in the suit in O.S.No. 102 of 2023 on the file of the Subordinate Court, Sivakasi. The suit was filed by the first respondent/plaintiff for damages and for compensation of Rs.8,00,000/-.

3.In the plaint, it is averred that on the instigation of the petitioner/third defendant, the third respondent/second defendant colluding with the second respondent/first defendant had filed frivolous criminal complaint against the first respondent/plaintiff. Based on the complaint given by the third respondent/second defendant, an FIR in Crime No.1064 of 2017 came to be registered against the first respondent/plaintiff for the offences under Sections 294(b) and 506(i) IPC. Seeking to quash the FIR in Crime No.1064 of 2017, the first respondent/plaintiff had filed CrI.O.P.(MD) No.5909 of 2023 before this Court and this Court, vide order dated 30.03.2023, had allowed the said petition and the FIR in Crime No.1064 of 2017 stood quashed against the first respondent/plaintiff. Contending that the imputations made against the first respondent/plaintiff, which formed the basis of the FIR, would



CRP(MD). No.1397 of 2025

amount to defamation, the first respondent/plaintiff chose to file the above said suit, claiming damages to the tune of Rs.8,00,000/- against the petitioner and others. Pending suit, the present Civil Revision Petition has been filed to strike off the plaint in O.S.No.102 of 2023.

4.The learned counsel for the petitioner reiterating all the contentions set out in the memorandum of Civil Revision Petition would submit that the allegations made in the plaint do not spell out a cause of action for the first respondent/plaintiff to maintain the suit and hence, the plaint is liable to be rejected under Order VII Rule 11 of CPC. He would therefore call upon this Court to strike off the plaint in O.S.No.102 of 2023.

5.On the other hand, it is the contention of the learned counsel for the first respondent/plaintiff that on the instigation of the petitioner, the third respondent lodged a complaint in Crime No.1064 of 2017 and the same was quashed by this Court, vide order dated 30.03.2023. It is the further contention of the learned counsel for the first respondent that without any valid reasons, only with an intention to defame the image of



CRP(MD). No.1397 of 2025

the first respondent in the Society, frivolous criminal complaint has been filed against the first respondent/plaintiff. He would further submit that the plaint, which is not vexatious, itself clearly discloses the cause of action and the suit filed before the Court below has proper territorial and pecuniary jurisdiction. Hence, he prays for dismissal of this petition.

6.In support of his contention, the learned counsel for the first respondent/plaintiff had relied upon the judgment of the Hon'ble Supreme Court in the case of ***K.Valarmathi and others Vs. Kumaresan*** reported in ***(2025) 5 MLJ 353 (SC)***, wherein, it had been stated as under:-

'8.Power of the High Court under Article 227 is supervisory and is exercised to ensure courts and tribunals under its supervision act within the limits of their jurisdiction conferred by law. This power is to be sparingly exercised in cases where errors are apparent on the face of record, occasioning grave injustice by the court or tribunal assuming jurisdiction which it does not have, failing to exercise jurisdiction which it does have, or exercising its jurisdiction in a perverse manner.'



CRP(MD). No.1397 of 2025

WEB COPY

7. Heard the learned counsel for the petitioner and the learned counsel for the first respondent and perused the materials available on record.

8. The first respondent/plaintiff filed a suit in O.S.No.102 of 2023 for compensation of Rs.8,00,000/-. In the plaint, it is averred that on the instigation of the petitioner, the third respondent filed frivolous criminal complaint against the first respondent, upon which, an FIR in Crime No. 1064 of 2017 came to be registered, which was also closed by this Court in CrI.O.P.(MD) No.5909 of 2023, vide order dated 30.03.2023. Contending that the imputations made against the first respondent would amount to defamation, the first respondent chose to file the present suit and seeking to strike off the plaint, the petitioner has come before this Court.

9. A plain reading of the entire allegations made against the petitioner would reveal that due to business rivalry between the first respondent and the petitioner only, some slanderous allegations are made



CRP(MD). No.1397 of 2025

without any substance or without any evidence by the first respondent/plaintiff. When a suit had been filed, there should be some materials to take cognizance of the plaint. This Court is of the view that if such kind of suit is permitted to go for a trial, it is not only an abuse of process of law, but also it is a perceived defamatory statements, which are to be curbed at the threshold itself.

10.As rightly pointed out by the learned counsel for the petitioner, even if it is assumed that the petitioner made imputations against the first respondent, the plaint does not contain necessary averments as to in what way his reputation was lowered. A proper consideration of the above said averments found in the plaint also will make it clear that the plaint averments are not enough to spell out a cause of action for suing the petitioner for damages for the alleged commission of the tort of defamation.

11.Therefore, this Court, applying the provisions of law found in Order VII Rule 11 of CPC to the facts of the case, does have no hesitation in coming to the conclusion that the plaint in O.S.No.102 of



CRP(MD). No.1397 of 2025

2023 is to be rejected in exercise of its power of superintendence under Article 227 of the Constitution of India.

12.In the result, this Civil Revision Petition is allowed, insofar as the petitioner is concerned and the plaint in O.S.No.102 of 2023 shall stand rejected. However, there shall be no order as to cost in the revision. Consequently, connected CMP(MD) No.7204 of 2025 is closed and CMP(MD) No.15413 of 2025 is disposed of.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No

08.12.2025

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To

The Subordinate Judge, Sivakasi.



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CRP(MD). No.1397 of 2025

N.SENTHILKUMAR, J.

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CRP(MD). No.1397 of 2025

08.12.2025