

Crl.O.P.(MD)No.326 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.04.2025

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

Crl.O.P.(MD)No.326 of 2024

and

Crl.M.P(MD)No.873 of 2024

1. T.M.Subramanian
2. A.Sankarakumar
3. P.Nallasivan
4. P.Kannan
5. M.Sattamuthu
6. S. Arunkumar
7. K.Kalyanasundram
8. P.Arulmani

.. Petitioners

Vs.

R.T.S.Nithishmurugan

.. Respondent

PRAYER : Criminal Original Petition filed under Section 447 of BNSS, to call for the records in STC No.5866 of 2023 on the file of the learned Judicial Magistrate No.V, Tirunelveli District and quash the same.

For Petitioner : Mr.J.Gunaseelan Muthiah

For Respondent : Mr.J.Jeyakumaran



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ORDER

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This Criminal Original Petition has been filed to quash the proceedings in STC No.5866 of 2023 on the file of the learned Judicial Magistrate No.V, Tirunelveli District.

2. The learned counsel appearing for the petitioners would submit that the respondent has lodged a private complaint as against the petitioners alleging that they committed the offence of defamatory against the respondent/complainant and the same was taken cognizance by the trial Court under Section 500 of IPC and now the proceedings is pending before the learned Judicial Magistrate No.V, Tirunelveli District in STC No.5866 of 2023. There is a dispute pending between the petitioners and the complainant in respect of administration of temple and there is no any ingredients to constitute the offence under Section 500 of IPC. These petitioners constructed temple and used to conduct festival without any disturbance. In the year 2018 the respondent/complainant came into association and appointed as a Secretary. Thereafter he used to interfere with the administration without any valid reason . Thereafter the complainant resigned the position of Secretary voluntarily and a new committee was registered on 16.02.2025 in Reg. No.46 of 2023. Therefore



there is enmity between the petitioners and the defacto complainant. While so, he lodged a false case against the petitioners and even as per the complaint there are no ingredients to constitute the offence under Section 500 of IPC and the trial Court also without any prima facie materials has taken cognizance and issued summons as against the petitioners and therefore the pending proceedings is liable to be quashed.

3. The learned counsel appearing for the respondent would submit that the petitioner had circulated defamatory pamphlets against the defacto complainant and thereby he lodged a private complaint and the same is pending before the learned Judicial Magistrate No.V, Tirunelveli and after considering the sworn affidavit and materials the trial Court has taken cognizance and the same is pending in STC No.5866 of 2023. There are serious allegations as against the petitioners and therefore they have to face the trial and hence the petition is liable to be dismissed.

4. Heard both sides and perused the materials available on record.

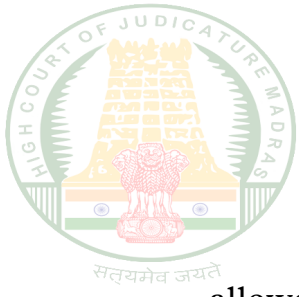
5. On perusal of the records it is seen that the respondent herein lodged a compliant against the petitioners alleging that on 17.04.2023 the



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petitioners distributed pamphlets to the public at Navanagar area by defaming the respondent/complainant of acting by inducing communal clash between two groups thereby they defamed the name of the defacto complainant. The petitioner also produced a copy of the pamphlets said to have been distributed by the petitioner. On perusal of the same there is no any defamatory allegation as against the respondent. The only allegation against the respondent is that even after the completion of his tenure as Secretary he refused to sign in the back record and also made false propaganda between the public as against the administration of the temple and they made attempt for communal clash between two communities and religion. Inorder to attract the offence under Section 500 of IPC there are no ingredients to constitute the offence and the trial Court also without any materials had taken cognizance. The allegations levelled against the petitioners are bald and vague and therefore with bald and vague allegations the petitioners need not face the ordeal of trial, and thereby the pending proceedings before the trial Court in STC No.5866 of 2023 is nothing but abuse of process of law and thereby the proceedings are liable to be quashed.



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6. In view of the same, this Criminal Original Petition stands allowed and the proceedings in STC No.5866 of 2023 on the file of the learned Judicial Magistrate No.V, Tirunelveli District is hereby quashed. Consequently connected miscellaneous petition stands closed.

15.04.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
aav

To

The Judicial Magistrate No.V, Tirunelveli District



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P.DHANABAL,J.

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