



2024:KER:84434

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN

FRIDAY, THE 8TH DAY OF NOVEMBER 2024 / 17TH KARTHIKA, 1946

CRL.MC NO. 2811 OF 2019

AGAINST THE ORDER/JUDGMENT DATED IN CC NO.116 OF 2019
OF JUDICIAL MAGISTRATE OF FIRST CLASS ,PAYYANNUR

PETITIONER/S:

POOJA ANAND



BY ADVS.
P.SANJAY
SMT.A.PARVATHI MENON

RESPONDENT/S:

1 ASHOKAN.K



2 STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF
KERALA, PIN CODE-682 031

BY ADV SRI.NANDAGOPAL S.KURUP

OTHER PRESENT:

SMT.NIMA JACOB, PP

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
08.11.2024, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:



P.V.KUNHIKRISHNAN, J

CrI.M.C. No.2811 of 2019

Dated this the 8th day of November, 2024

O R D E R

This Criminal Miscellaneous Case is filed to quash the proceedings in CC No.116/2019 on the file of Judicial First Class Magistrate Court, Payyannur. It is a prosecution initiated by the 1st respondent against the petitioner alleging offences punishable under Section 500 IPC.

2. The allegation against the petitioner is that, she filed a petition before the Director of the Pariyaram Medical College, where the 1st respondent is working as a Librarian and the contents in the petition are defamatory to the 1st respondent. It is alleged that the averments in the petition and the Police enquiry that followed caused much damage / injury to the complainant. Hence, it is alleged that the petitioner committed the offence under Section 500 IPC. According to the petitioner, even if the entire allegations are accepted, no offence under



Section 500 IPC is made out against the petitioner.

3. Heard the learned counsel appearing for the petitioner and the counsel appearing for the 1st respondent. I also heard the learned Public Prosecutor.

4. It is submitted by the petitioner that a complaint was filed against the 1st respondent before Sri. M.V. Jayarajan, who was the Director of Pariyaram Medical College, where the 1st respondent was employed. It is also submitted that the petitioner's mother submitted a petition before the Chief Minister on 18.10.2014 against the 1st respondent stating that 1st respondent and his wife were trying to misappropriate her property. The Police had taken statement in the said matter. True copy of the petition filed by the mother of the petitioner herein before the Chief Minister and the petitioner's statement are Annexures-1 and 2. The petitioner's mother died on 12.08.2015. It is the case of the petitioner that, she never published the petition in any form but has only submitted the same before a lawful authority. The complaint was filed with bonafide intention to redress her grievance and to set the law in motion. Annexure-3 is the certified copy of the complaint filed by the petitioner before the Director of Pariyaram Medical College,



where the 1st respondent is employed. The petitioner's complaint is that, the 1st respondent herein, who is her sister's husband, has been misbehaving with her and also has been attempting to get the property of her mother transferred in his name and his wife's name. He and his wife (petitioner's sister) have been pressurizing the petitioner by raising false allegation that she had forged documents relating to the property and even her professional degree.

5. O.S. No.486/2015 was filed by the 1st respondent's wife at the instance of 1st respondent herein against the petitioner and her aged father, which is pending before the Munsiff Court, Changanasserry is the further submission. It is also submitted that the 1st respondent does not have a good reputation as claimed by him. The petitioner produced Annexure-4 news paper report to show the same. Because of the complaint filed by the petitioner, the 1st respondent filed Annexure-5 complaint alleging offence under Section 500 IPC is the submission.

6. This Court perused Annexure-5 complaint. The main allegation is about the complaint filed against the 1st respondent which resulted in a Police enquiry and the summoning



of the 1st respondent by the Police. Admittedly, the petitioner filed a complaint before the Director of Pariyaram Medical College, where the 1st respondent was working and also a complaint by the mother of the petitioner before the Chief Minister which was forwarded to the Police Station concerned.

7. The 4th exception to Section 499 says that, it is not defamation to publish a substantially true report of the proceedings of a court of justice or of the result of any such proceedings. Admittedly, in this case, a complaint is filed before the Chief Minister and before the Director of Pariyaram Medical College, where the 1st respondent was working, in which certain allegations are made by the petitioner and her mother. The Chief Minister forwarded the same to the police station concerned. In such circumstances, it cannot be said that the defamation as defined under Sec.499 IPC is made out. There is no publication of any imputation or making any imputation. The complaint is filed before a lawful authority, which was enquired by the authority concerned. That will not attract the offence under Sec.500 IPC. The counsel for the 1st respondent takes me



through paragraph 7 of Annexure-5 complaint and submitted that the complaint was circulated among the employees. It will be better to extract paragraph 7 of Annexure-5.

“അന്യായക്കാരനോടും ഭാര്യയോടുമുള്ള ഒടുങ്ങാത്ത പകയും വിദ്വേഷവും മൂലം അന്യായക്കാരന്റെ സൽകീർത്തിക്ക് ഹാനി വരുത്തുകയും ചെയ്യുവാനുള്ള മോശവിചാരത്തോടു കൂടി തീർത്തും അടിസ്ഥാന രഹിതവും വ്യാജവുമായ പ്രസ്താവനകളും ആരോപണങ്ങളും അന്യായക്കാരന് എതിരെ ഉന്നയിക്കുകയും ആയവ മുമ്പ് അന്യായക്കാരൻ ജോലി ചെയ്യുന്ന സ്ഥാപനത്തിൻറെ ചെയർമാൻ ആയിരുന്ന വൃശ്ചിയും ഇപ്പോൾ സ്ഥാപനത്തിൽ ഇല്ലാത്ത ആളുമായ ശ്രീ എംപി ജയരാജൻ അവർകൾക്ക് അയച്ചുകൊടുക്കുകയും ആയതിലെ ഉള്ളടക്കം അന്യായക്കാരൻ ജോലി ചെയ്യുന്ന സ്ഥാപനത്തിലെ സഹപ്രവർത്തകരുടെയും മറ്റും ഇടയിൽ വ്യാപകമായി പ്രചരിപ്പിക്കുകയും ചെയ്യുക വഴി ഗുരുതരമായ കുറ്റകൃത്യമാണ് ചെയ്തിരിക്കുന്നത്. പോലീസ് അന്വേഷണത്തെയും മറ്റും തുടർന്ന് മെഡിക്കൽ കോളേജിലും അന്യായക്കാരന്റെ ഭവനം സ്ഥിതി ചെയ്യുന്ന പ്രദേശത്തെയും ആളുകൾക്കും അന്യായക്കാരനെ അറിയുന്ന വൃശ്ചികൾക്കും ഇടയിൽ പ്രതിയുടെ ദുരാരോപണങ്ങൾ വ്യാപകമായി പ്രചരിക്കുകയും അതുവഴി അവരെല്ലാം അന്യായക്കാരനെ അവമതിപ്പോടും പരിഹാസത്തോടും കൂടി വീക്ഷിക്കുവാനും കാരണമായിരിക്കുകയാണ്. “നീ ഇത്തരക്കാരനാണോ ” എന്ന മട്ടിൽ അന്യായക്കാരന്റെ പല സുഹൃത്തുക്കളും അന്യായക്കാരനോട് തന്നെ ചോദിക്കുവാൻ ഇടവന്നിട്ടുള്ളതാണ്. പ്രതിയുടെ പ്രവർത്തി മൂലം അന്യായക്കാരന്റെ യശസ്സിനും അഭിമാനത്തിനും സംഭവിച്ച ക്ഷതം അപരിഹാര്യമാണ്. ”

There is nothing in paragraph 7 of Annexure- 5 to show that the petitioner circulated the same. In such



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circumstances, I am of the considered opinion that the offence under Sec.500 IPC is not made out against the petitioner. The upshot of the above discussion is that the prosecution against the petitioner can be quashed.

Therefore, this Criminal Miscellaneous case is allowed. All further proceedings against the petitioner in CC No. 116/2019 on the file of the Judicial First Class Magistrate Court, Payyannur are quashed.

sd/-**P.V.KUNHIKRISHNAN
JUDGE**

nvj/SKS



APPENDIX OF CRL.MC 2811/2019

PETITIONER ANNEXURES

- ANNEXURE-1** TRUE COPIES OF THE PETITION FILED BY THE MOTHER OF THE PETITIONER HEREIN BEFORE THE CHIEF MINISTER DATED 18.10.2014
- ANNEXURE-2** TRUE COPY OF THE PETITION FILED BY THE MOTHER OF THE PETITIONER HEREIN BEFORE THE PETITIONERS STATEMENT DATED 07-10-2015
- ANNEXURE-3** CERTIFIED COPY OF THE COMPLAINT/PETITION FILED BY THE PETITIONER HEREIN BEFORE DIRECTOR OF PARIYARAM MEDICAL COLLEGE ALONG WITH PETITIONER'S STATEMENT DATED 30.05.2018
- ANNEXURE-4** TRUE COPY OF THE NEWS PAPER NEWS DATED 17.3.2004 IN MATHRUBHOOMI NEWS PAPER
- ANNEXURE-5** CERTIFIED COPY OF PRIVATE COMPLAINT FILED BY 1ST RESPONDENT C,MP 5700/2018 BEFORE THE JFCM COURT, PAYYANNUR DATED 27.07.2018