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Crl.R.C.No.97 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.09.2023

CORAM :

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.R.C.No.97 of 2018

H.Kalyan Singh

.. Petitioner

Versus

1. Dr.Nirmalkathri

2. CEO ABP NEWS.

Media Content and Communications
Services (I) Pvt. Ltd.,
Mumbai, ABP News Center,
301, Boston House, 3rd Floor,
Suren Road, Andheri-East,
Mumbai - 400 093.

3. ABP NEWS,

Media Content and Communications
Services (I) Pvt. Ltd.,
A-37, Sector 60, Noida,
Uttar Pradesh - 201 307.

.. Respondents

Prayer : Criminal Revision Case filed under Section 397 r/w 401 of the Code of Criminal Procedure, to call for records on the file of the learned Chief Metropolitan Magistrate, Allikulam, Chennai in Crl.M.P.No.1641 of 2016 and set aside the order, dated 22.12.2016 in the same passed by the



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learned Chief Metropolitan Magistrate, Allikulam, Chennai and allow the above Criminal Revision Petition.

For Petitioner : Mr.A.Kumaraguru

For Respondents : Mr.S.Sheik Ismail, for R1

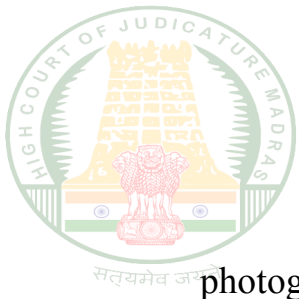
: Mr.Raghul Balaji, for R2

ORDER

This petition has been filed challenging the order passed by the Court below in CrI.M.P.No.1641 of 2016, dated 22.12.2016 dismissing the complaint filed by the petitioner under Section 203 of Cr.P.C.

2. Heard Mr.A.Kumaraguru, learned Counsel for the petitioner, Mr.S.Sheik Ismail, learned Counsel for the first respondent and Mr.Raghul Balaji, learned Counsel for the second respondent.

3. The petitioner filed a private complaint against the accused persons for offence under Section 499 of I.P.C punishable under Section 500 of I.P.C. The allegation made by the petitioner is that A1 had shared a picture in his Facebook on 05.12.2015 in his Facebook account and he had tweeted a message as if the R.S.S worker in uniform is beaten up by Police and that the R.S.S worker has committed a heinous crime at Chennai. The



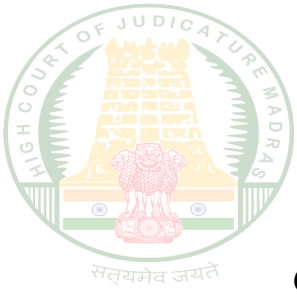
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photographs pertaining to the alleged incident was also shared from the Facebook account of A1. The further case of the petitioner is that A1 had copied the photograph from A2 and A3 who are running a News Channel and they are said to have published the same in their news.

4. In view of the above, the petitioner, who claims to be a R.S.S worker, has alleged that the defamatory comment / statement has seriously affected the reputation of R.S.S and its workers. It is under these circumstances, the private complaint came to be filed before the Court below.

5. The Court below had considered the entire complaint along with the materials relied upon by the petitioner and came to the conclusion that there was nothing available to show that the defamatory content was sent from the Twitter account of A1. The Court below found that there are no sufficient grounds to proceed against the accused persons and accordingly, dismissed the complaint under Section 203 of Cr.P.C.



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6. In the considered view of this Court, the order passed by the Court below does not suffer from apparent illegality or infirmity and it does not require the interference of this Court in exercise of its revisional jurisdiction. That apart, to again revive the complaint at this stage will be like whipping a dead horse.

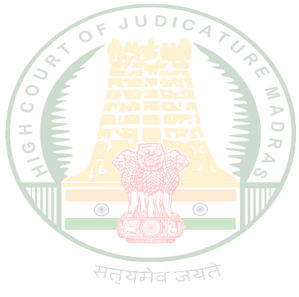
7. In the light of the above reasoning, this Criminal Revision Case stands dismissed.

07.09.2023

Index : yes/no
Speaking order/Non-speaking order
Neutral Citation : yes/no
grs

To

The Chief Metropolitan Magistrate,
Allikulam, Chennai.



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N.ANAND VENKATESH, J.
grs

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