

Crl.R.C.Nos.8047 of 2022 & & 20189 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.03.2026

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.Nos.8047 of 2022 & 20189 of 2023
and Crl.M.P.Nos.4662 & 4663 of 2022 and 13732 of 2023

Crl.R.C.No.8047 of 2022

J.N.Naresh Kumar Petitioner in
Crl.O.P.No.8047 of 2022

Radhika Dolia Petitioner in
Crl.O.P.No.20189 of 2023

Vs

1.Jayakaran Vasudevan
Represented by Power Agent
V.Saravanan Respondent in both Crl.O.Ps

2.Radhika Doli
3.Thulasi Davey Respondents in
Crl.O.P.Nos.8047 of 2022

Common Prayer : Criminal Original Petitions filed under Section 482 of Code of Criminal Procedure, to call for the records in C.C.No.376 of 2021 pending trial on the file of the learned Judicial Magistrate No.I Court, Tiruvallur and quash the same against the petitioner.

In Crl.O.P.No.8047 of 2022

For Petitioner : Mr.K.J.Saravanan
For R1 : Mr.N.Rajkumar
For R2 : Mr.R.Kalidass
For R3 : Mrs.M.S.Deepika



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In Crl.O.P.No.20189 of 2023

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For Petitioner : Mr.K.J.Saravanan
For Respondent : Mr.N.Rajkumar

COMMON ORDER

Both the petitions have been filed seeking to quash the proceedings in C.C.No.376 of 2021 on the file of the Judicial Magistrate No.I, Thiruvallur.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The petitioner in Crl.O.P.No.8047 of 2022 is arrayed as third accused. The petitioner in Crl.O.P.No.20189 of 2023 is arrayed as first accused.

4. The first respondent in Crl.O.P.No.8047 of 2022 and the respondent in Crl.O.P.No.20189 of 2023 filed a private complaint for the offence under Sections 500 and 109 of IPC, alleging that he filed a suit as against the first accused in O.S.No.33 of 2019 on the file of the Family Court, Chennai, seeking declaration that the alleged forced marriage with the first accused as null and void. It is further alleged that, as a counterblast to the said civil proceedings, the first accused, with the connivance and instigation of the third accused, lodged a complaint under the POCSO Act as against the first



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respondent by using the second accused, who is the minor daughter of the first

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accused. Even before the said complaint was taken on file, the accused disseminated false allegations of sexual harassment against the first respondent and also published the same in a news paper. However, after conducting an enquiry, the complaint was dismissed by the Mahila Court, Thiruvallur.

5. It is further alleged that defamatory statements against the complainant were given to news reporters of on-line media platforms such as Puthiyathelaimurai, Maalaimalar and Vikatan as well as to daily newspapers such as Dhinakaran and Maalai Malar. They had also given press reports alleging that the complainant had misbehaved with the second accused, thereby propagating and spreading false news about the complainant to the media. Insofar as the third accused is concerned, he is none other than an Advocate practising District Court, who appeared on behalf of the first and second accused.

6. A perusal of the complaint lodged by the first respondent reveals that the third accused is alleged to have actively assisted and abetted the first and second accused in the alleged act of defamation. Except the said allegation, no other specific allegations made as against the third accused, who is an Advocate who appeared on behalf of the first and second accused when they



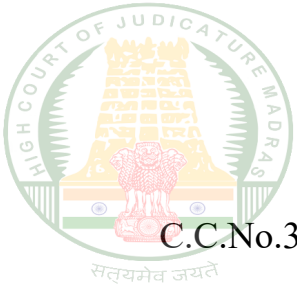
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lodged the complaint. Though the said complaint was subsequently dismissed,

the respondent has filed a defamatory complaint alleging defamation on the ground that false news was spread against the first respondent in the newspapers and through news reporters. It is unfortunate to state that the Advocate who appeared on behalf of his clients has also been implicated as an accused.

7. A lawyer is an advocate, who speaks on behalf of another. Naturally beyond the instructions given by the client, a lawyer has no opportunity to verify the truth or falsity of the facts narrated by the client. Therefore, no lawyer can be prosecuted for defamation in respect of any statements made on the basis of instruction given by the client. It is the duty of the lawyer to decide whether he can properly act upon such instructions, and whatever responsibility may arise from acting upon those instructions would rest with the client and not with the lawyer. Any contrary view would be opposed to the settled trend of judicial decisions defining the scope and extent of the privilege conferred upon a lawyer. Hence, the entire complaint is nothing but a clear abuse of process of law insofar as the Advocate, who appeared on behalf of the first and second accused, is concerned.

8. In view of the above, the complaint as against the third accused cannot be sustained and is liable to be quashed. Accordingly, the proceedings in



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C.C.No.376 of 2021 on the file of the Judicial Magistrate No.I, Thiruvallur are

here by quashed as against the third accused and the Crl.O.P.No.8047 of 2022 is

allowed. Consequently, connected miscellaneous petitions are closed.

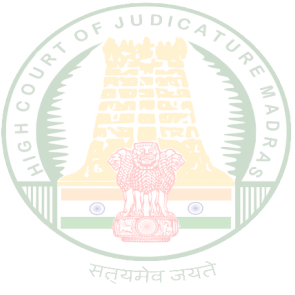
9. Insofar as the the complaint is concerned, there are specific allegations as against the first accused with regard to the offences under Sections 500 and 109 of the IPC. Hence, this Court finds no grounds to quash the proceedings in C.C.No.376 of 2021 on the file of the Judicial Magistrate No.I, Thiruvallur. Accordingly, Crl.O.P.No.20189 of 2023 is dismissed. The Trial Court is directed to complete the trial within a period of three months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is closed.

02.03.2026

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
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To

The Judicial Magistrate No.I,
Thiruvallur.



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G.K.ILANTHIRAIYAN, J.

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