



IN THE COURT OF THE PRINCIPAL DISTRICT JUDGE, SALEM.

Present: Thiru. Swarnam J. Natarajan, M.L.,
Principal District Judge, Salem.

Tuesday, this the 23rd day of June - 2026

C.M.P.No.14/2024 in C.C.No. 11/2021

Chakkaravarthi,
S/o. Chilampa Udaiyar,
12th Ward, North Street,
V. Ramanathapuram,
Veeraganur Post,
Salem District.

... Petitioner / Accused

-versus-

P. Dhanasekaran,
Public Prosecutor,
Salem District

... Respondent / complainant

This petition is coming on 17.06.2026 for final hearing before me in the presence of Thiru. C.S. Manickam, Advocate for the Petitioner and Thiru.P.Thambidurai, Public Prosecutor for the Respondent, after hearing both sides and perusing the records, this court delivers the following :

ORDER

This is the application filed by the petitioner, sole accused, in C.C.No.11/2021 seeking for discharge of the accused person from the case under section 227 of CrPC.

23.06.2026

Principal Sessions Judge, Salem.



2. The case was originally instituted by the District Public Prosecutor, Salem District, Salem against Thiru. Chakkaravarthi, to take cognizance of the offence under section 199(2) CrPC in order to prosecute the accused for the reason that he had made a defamatory speech in a public meeting held near Thalaivasal Bus Stand organized by DMDK party on 26.11.2012.

(ii) In the said public meeting, the accused made a speech with regard to the then Honorable Chief Minister of Tamil Nadu, Dr. J. Jayalalitha, and uttered specific words which is false statement, aiming, intended to harm personally the reputation of the Chief Minister, knowing fully well that such imputation would harm the reputation of the Chief Minister. Thereby, the accused had committed an offence punishable under section 500 IPC.

(iii) The defamatory word alleged to have been uttered by the accused person petitioner in the public meeting is as follows:

"ஆணா நாங்க போட்ட பிச்சைதான் இன்னைக்கு வந்து தமிழ்நாட்டிலே முதலமைச்சரா ஜெயலலிதா உட்கார்ந்து இருக்காங்க நாங்க போட்ட பிச்சை."

"மின் வெட்டு, மின்வெட்டு, இந்த ஆட்சியை மாற்றனும்னாங்க. ஆணா இன்னைக்கு மொத்தத்திலே இருபத்தி நான்கு மணி நேரத்திலே இரண்டு மணி நேரம் கூட கரண்ட் இல்லை. இப்போ இந்த பொம்பளையை எங்கே கொண்டு போய் நிறுத்துறது. எந்த



முகத்தில் வைச்சு அடிக்கிறது. இவ்வளவு கேவலமான ஆட்சியை நடத்தற நீங்க ரொம்ப கேவலமான இன்னும் சொல்லப்போனால் நாளைக்கே ஆட்சியை கலைச்சுட்டு வெளியே வாங்க."

"கெங்கவள்ளி தொகுதியிலே இனி யாராவது அதாவது முதலமைச்சரே வந்து தினம் தினம் பக்கம் பக்கமா விளம்பரம் மட்டும் தான் அம்மா கொடுக்கிறாங்க, அறிக்கை மட்டும் தான் வருது, என்ன வேலை நடக்குது தமிழ்நாட்டிலே, ஒரு வேலையும் நடக்கலே, அதனாலே நீ வந்து ஏன் கேவலப்படுத்தறே."

So, this is the defamatory word alleged to have been uttered by the petitioner in the public meeting which the Government of Tamil Nadu, by G.O. Public (Law and Order-H) Department M.S.No.306 dated 28.03.2013, was pleased to accord sanction to the Public Prosecutor, Salem District for lodging a complaint under section 2 of section 199 of the Code against Chakravarthi, Desiya Murpokku Dravida Kazhagam, for having made the said defamatory speech against the Honorable Chief Minister, which constitutes an offence punishable under section 499 of Indian Penal Code, punishable under section 500 Indian Penal Code.

(iv) The Public Prosecutor accordingly lodged a private complaint before the Principal Sessions Judge, Salem and on recording the sworn



statement of the Public Prosecutor on 06.04.2013, the case was taken cognizance by this court and made over to Principal Sessions Sub Judge for disposal in accordance with law. Thereafter, since the case relates to MP/MLA, the case was transferred to this court by virtue of order passed in Dis.No.364/2021 dated 04.03.2021 and the matter was recalled in 2021. The petitioner filed this application stating that based on the shorthand notes relied by the prosecution, the case has been initiated, which cannot be the sole criteria for initiating and lodging the complaint for the offence of defamatory as there are valid grounds available for the petitioner to file petition seeking for an order of discharge even before charges are framed. Even though the case was instituted in 2013, no charges have been framed after lapse of nearly 11 years and the case is proceeding without framing of charge, which causes hardship to the petitioner accused. The jurisdictional Thalaivasal Police had also parallelly registered FIR on 26.11.2012 against the petitioner under sections 294(b), 504, 499, and 506(i) IPC in Crime No.369/2012. In the above FIR, a portion of the contents reads as follows:

"வீரகனூர், சக்ரவர்த்தி, தலைவாசல் ஒன்றிய செயலாளர் அருள்வேல் மற்றும் பெருமாள் ஆகியோரும் கலவரங்களை தூண்டும் வகையில் ஆத்திரமூட்டும் வகையில் பேசினார்கள்."

After nearly 7 years, the FIR has been closed.

23.06.2026

Principal Sessions Judge, Salem.



(v) The Thalaivasal Police had also registered another FIR in Crime No.370/2012 dated 26.11.2012 against the accused under sections 143, 341, 353, and 188 IPC. The said FIR has also been closed and the extract of the FIR is as follows:

"தே.மு.தி.க. நிர்வாகிகளில் ஒருவரான துரை கருப்பழகி என்பவர் மாண்புமிகு தமிழ்நாடு முதலமைச்சர் அவர்களை அசிங்கமாகவும், தரக்குறைவாகவும் மேடையில் பேசினார். அதற்கு பொதுமக்களில் சிலர் எதிர்ப்பு தெரிவித்தும் இது சம்மந்தமாக தலைவாசல் ஒன்றிய அ.இ.அ.தி.மு.க. மாணவர் அணி செயலாளர் வழக்கறிஞர் T.M.வேல்முருகன் தலைவாசல் காவல் நிலையத்தில் புகார் கொடுத்திருப்பது பொது கூட்டத்தில் கலந்து கொண்ட தே.மு.தி.க. கட்சியை சேர்ந்த மோகன்ராஜ், திரு.பார்த்தீபன், திருமதி.R.சுபா ஆகிய சட்டமன்ற உறுப்பினர்கள் மற்றும் சேலம் மாநகர மாவட்ட செயலாளர் ராதாகிருஷ்ணன், நத்தக்கரை சுப்ரமணி மகன் அருள்வேல், வீரகனூர் சக்கரவர்த்தி, SKT கலியமூர்த்தி, சங்கர், துரை கருப்பழகி, தங்கதுரை, பெருமாள், M.S.கிருஷ்ணன், அண்ணா துரை, சார்வாய் முருகேசன், சுல்தான் பாஷா, சார்வாய் ரவி, சிறுவாச்சூர் S.P.முருகேசன் மற்றும் தே.மு.தி.க. கட்சியைச் சேர்ந்த சுமார் 100 பேர்கள் தே.மு.தி.க. கட்சியினர் மீது போலீசில் புகார் செய்ததை கண்டித்து 26.11.2012ஆம் தேதி இரவு 10.15 மணிக்கு ஆத்தூர் to கள்ளக்குறிச்சி நெடுஞ்சாலையில் தலைவாசல் பஸ் நிறுத்தத்தில் சாலை மறியல் செய்தனர்."



(vi) In the meantime, the complaint complainant, former Public Prosecutor, had filed a private complaint before this court under section 199 read with section 200 CrPC against the accused under sectiona 499, 504, 294(b), 506(i) IPC, where the above sections are similar to that made in the FIR in C.C. No.370/2012 registered by the very same police station. If the speeches that spoken were defamatory then, Thalavivasal Police could not have closed the FIR on the ground of mistake of fact. Thereby, it clearly shows that there was no defamatory speech spoken against the Chief Minister and there were no specific grounds for the offence triable under sections 499, 504, 294(b), 506(i) IPC. Since the former Chief Minister of Tamil Nadu died in the year on 05/12/2016, the complaint itself has become infructuous. There is no documentary evidence as well as material evidence to prove that the accused involved in the offence punishable under section 499, 504, 294(b), and 506(i) IPC.

(vii) In this regard, three defamatory cases have been filed against three individuals before this court in C.C.No.1/2013, 2/2013, and 3/2013. All the three cases were referred to Principal Subordinate Judge, Salem. The private complaint C.C.No.1/2013, when came for orders before the Subordinate Judge,



Salem, who immediately discharged the accused on the ground that the sections were not made out vide his order dated 09.07.2018. Both the private complaint C.C.No.2/2013 and C.C.No.3/2013 were transferred to District and Sessions Court, Salem for further proceedings. After having transferred the private complaints to Principal District and Sessions Judge, Salem, C.C.No.2/2013 and C.C.No.3/2013 were renumbered as C.C.No.11/2021 and C.C.No.10/2021 respectively. When the matter came for hearing before the Principal District and Sessions Judge, the court had discharged the accused on the ground that the Government Order, G.O.Ms.No.846 Public (Law and Order-H) Department dated 02.12.2019, in which it has ordered to withdraw the case against the accused, and based on which the Principal District and Sessions Judge had ordered discharging the accused in the said case on 26.08.2022. Therefore, from the above two cases, two individual accused were discharged on the ground that sections were not made out and based on the said Government Order and the orders passed in C.C.No.10/2021, the accused persons were discharged. However, CC 11 of 2021 alone is pending before this court even after lapse of 11 years. There are no merits in the complaint. The Public Prosecutor is not prosecuting the case. Hence, the petitioner prays for discharge of the accused.

23.06.2026

Principal Sessions Judge, Salem.



3. The Public Prosecutor, though had changed, and after 11 years, nobody represented on behalf of the Public Prosecutor. And the present Public Prosecutor, when he is heard, he had stated that the Government has already passed G.O. for withdrawal of the case and nothing survives, and he has contended that the discharge petition can be considered on merits.

4. The Government, G.O.Ms.No.846 dated 02.12.2019, issued by the Public (Law and Order-H) Department, it has listed out the cases mentioned in the annexure 1 to 33 initiated against the MDMK President as well as against State Secretary for Women Wing and former MLAs for having made defamatory speech against the then Chief Minister of Tamil Nadu. The Government Order says that the founder president, Desiya Murpokku Dravida Kazhagam, members of Legislative Assembly, the cases instituted against them are ordered to be withdrawn under section 321. However, no application was filed before this court with regard to the withdrawal of the case.

5. Considering the fact that three cases were instituted on the complaint given by the Public Prosecutor and two cases ended in discharge, this case is pending for 11 years without any progress from 2013 onwards, this court finds that the speech said to be recorded by the shorthand writer of CB-CID does not contain any defamatory speech to make imputation on the reputation of



the former Chief Minister, Miss.Jayalalitha. Thereby, no offence under section 499, 500 IPC is made out. Hence, the discharge petition is to be allowed.

In the result, this petition is allowed. The petitioner/accused is ordered to be discharged from the case in C.C.No.11/2021.

Dictated to the Steno-Typist, taken by her in shorthand, transcribed and typed by her with the help of voice recorder, and Microsoft 365, corrected and pronounced by me, in the open court, this the 23rd day of June – 2026.

**Sd/- Swarnam J. Natarajan,
Principal Sessions Judge,
Salem.**

Annexure:-

Petitioner's side witness and documents:-

-Nil-

Respondent's side witness and documents:-

-Nil-

**Sd/- Swarnam J. Natarajan,
Principal Sessions Judge,
Salem.**



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10

C.M.P.No.14/2024 in C.C.No.11/2021

The Principal Sessions Court,
Salem

C.M.P.No.14/2024 in
C.C.No.11/2021

Order (true copy)

Dated : 23.06.2026

23.06.2026

Principal Sessions Judge, Salem.