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IN THE HIGH COURT OF DELHI AT NEW DELHI

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Reserved on: 30th September, 2021

Decided on: 12th October, 2021

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CRL.REV.P. 256/2021

TARIKA TARANGNI LAKRA

..... Petitioner

Represented by: Mr.Manohar Lal Sharma, Advocate.

versus

STATE OF NCT FOR DELHI AND OTHERS

..... Respondents

Represented by: Mr.Tarang Srivastava, APP for State.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

1. Aggrieved by the order dated 29th July, 2021 passed by the learned Additional Sessions Judge-02, Central, Tis Hazari Courts, directing to take cognizance on the complaint filed by the petitioner for offences punishable under Sections 354B/499/500/501/502/120B IPC and under the provisions of The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (in short 'SC/ST Act'), the petitioner has preferred the present revision petition.

2. In the complaint, the petitioner had impleaded around 40 accused and alleged that she had a land dispute with some of the respondents, which land was purchased by her parents in 1996, qua which litigation was going on. It is stated that the complainant is a well known and respected social worker amongst the Tribals and others in the entire Raigarh district as well as other parts of Chhattisgarh. Since the year 2000 accused No.40 having his

corporate office at New Delhi has been trying to grab her farmhouse/BDO, Bari by hook and crook and has undertaken regular criminal attacks on her since 1st June, 2021 till 18th June, 2021. The petitioner was physically harassed and disrobed using sexual language, abused by caste and dirty words, dragging her from the land and giving statement in the press and releasing abusive defamatory false allegations in the impugned electronic media which is running since 17th June, 2021 till date damaging her reputation and her right to live with dignity.

3. It is alleged that the offences of defamation of the complainant have been done by the respondent Nos.1 to 39 at the behest of Respondent No.40 who is providing funds, against whom Writ Petition (C) No.12/2011 is pending before Chhattisgarh High Court at Bilaspur. It is also alleged that on 1st June, 2021 the respondent Nos.1, 2 and 3 entered the petitioner's farmhouse, physically harassed her, tried to disrobe her by driving her out of her farmhouse for which the petitioner made an oral complaint on 1st June, 2021 followed by a written complaint dated 6th June, 2021 at PS Punjipathra, District Raigarh under the provisions of SC/ST Act.

4. As regards the allegation of defamation are concerned, it is the case of the complainant that the accused after giving a written complaint to the SP Raipur held a press conference outside the office of SP Raigarh making several defamatory statements and releasing the said statements to the newspaper. It is thus stated that the newspaper clippings of the said press statement were received by persons known to the complainant at Delhi also and since the impugned news is being flashed in the electronic media including at Delhi, the same amounts to defamation and the petitioner suffers irreparable injury and loss of reputation. Hence this Court has

territorial jurisdiction to entertain the complaint of defamation.

5. In para-18 of the complaint it is stated that the cause of action arose to file the present defamation complaint before this Court as the same was seen by the complainant and several other people at New Delhi on 1^{8th} June, 2021.

6. From the complaint, it is thus evident that in relation to the alleged offences of entering the farmhouse, dragging and harassing her, the petitioner has already lodged a complaint with the local police at Raigarh. Further the cause of action, if any, has arisen in this regard at Raigarh and hence no complaint would lie in the territorial jurisdiction of Delhi. Faced with this situation, learned counsel for the petitioner states that the present complaint is for the offence of defamation only and thus Delhi Police, PS Civil Lines be directed to register FIR in the present defamation case against the 40 accused and others, as also pay compensation of ₹1 crores. However, as noted above, the petitioner in the complaint has prayed as under:-

1. To allow complaint for defamation u/s 200 Cr.P.C. and take cognizance of the offence, as the contents per-se, is amount to commission of offences, U/S 354-B, 120B, 499 & 500, 501 & 502 of IPC r.w. U/S 3(1) V, VII, IX, 3(1)(2) II of SC/ST Act of 1989 & others, issue summon to Accused no.1 to 38 and others and prosecute them in accordance of law. AND

2. Be also pleased to direct Delhi Police P.S. Civil line/ to Register F.I.R. in the present defamation case under section as above against the accused persons 1 to 40 & Others for further action in the interest of Justice. AND

3. Be also pleased to provide compensation ₹1,00,00,000/- to the petitioners in the interest of justice.

7. Vide the impugned order, the learned Trial Court noted that the alleged accused persons/respondents had gone to give the complaint to the

concerned SP and the alleged imputations cannot be termed as defamatory in nature as they are best statements made by the political rivals and fall within the ambit of freedom of speech and expression guaranteed to all the citizens under Article 19 (1) (a) of the Constitution of India and even accusations under the SC/ST Act attributed by the complainant to the accused person do not meet the essential requirements of an offence under the SC/ST Act. It was held further that even as per the own showing of the complainant, the cause of action, if any, has arisen in the jurisdiction of the Court of Chhattisgarh where the complainant has already taken action which is sub-judice.

8. As regards the allegations of defamation are concerned, petitioner states that copies of the newspaper reports were received at Delhi and the statements were telecast on "*Page 11news.com*". According to the petitioner the telecast is as under:-

"Sahab Samaj Sewa Ki Aar Main Iss Mahila Ne Jeena kar diya hai haram..Kabhi isko to kabhi usko kartihai pratarit...Is Mahila Se Hame Bachayen...Pare Puri Khabar Kya Hai Mamla".

Khud ko samaj sewi batakar gramino ko pareshan karne wali Mahila Ke Khilaf SP se Shikayat, Grameen aur Jan Pratinidhinyo ne SP se Lagaya gohar thatha kathit samaj sewi mahila se bachayein,

Raigarh Gram Panchayat Punji Pathra ke Sarpanch, Sachiv ke saath lagbagh 50 grameeno nein SP Karyalaya Raigarh mai aakar Samaj sewi Tarika ke khilaf SP se likhat shikayat ki hai, Yeh Mahila panchayat ke kayee logo ke khilaf SC/SC act ke tehat jhuthi report darj karakar, grameeno ko pareshan kar rahi hai. Grameeno ke shikayat ke baad Raigarh SP Santosh Kumar Singh tatkal sangyan mein liya aur janch uprant karwahi karne ki baat kahi hai.

Grameeno ne bataya ki tarikh Taringini Samaj Sewi bata kari grameeno ke saath sthaniye kai udyong se dara dhamkar wasuli or sarkari jameen par avedh kabza kar rahi hai. Panchayat ke dwara inhe mana karne par mahila ne kuch grameeno ke khilaf Punji Pathra Thana main SC/ST Act ke tehat report darj karayee hai. Yeh Mahila apna ek You tube channel banakar sathanye prashashan, police or kuch Jan Pratinidhiyon ke khilaf bharkau bhashan dekar Zile mein ashanti felane ka karya kar rahi hai."

9. Contents of the telecast as noted above only show the grievance of the respondents for which they made a complaint to the concerned SP and informed the same to the press. Since this is the complaint of the respondents, for which they have followed the legal procedure and only informed to the press, the complaint and the legal procedure adopted, the same cannot amount to an offence of defamation. From a perusal of the complaint it is evident that the complainant has clubbed all offences in the complaint which have all allegedly taken place at Raigarh. Hence this Court finds no error in the impugned order dismissing the complaint.

10. Petition is accordingly dismissed.

11. Order be uploaded on the website of this Court.

न्यायमेव जयते

(MUKTA GUPTA)
JUDGE

OCTOBER 12, 2021/'vn'