

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 18550 of 2013

Arising Out of Complaint Case No. -442 C Year- 2012 Thana -PATNA COMPLAINT CASE
District- PATNA

- =====
1. Swayam Prakash @ Swain Prakash Son of Late Yamuna Prasad Singh Resident of 301 Jagat Residency, Rajvanshi Nagar, Police Station- Shastri Nagar, Town and District- Patna.
 2. Shambhu Nath Pathak Son of Late Braj Bihari Pathak Resident of House No.-25, Hanuman Nagar, Near Punaichak, Police Station- Shastri Nagar, Town and District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar
2. Amrit Anand Son of Late C.K. Jha at Present Residing at Flat No.-602, Bhawani Apartment, Anandpuri, Near Mohan Sweets, Police Station- Sri Krishnapuri, Town and District- Patna.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL ORDER

9 02-07-2015 Heard learned counsel for the petitioners, learned A.P.P. for the State and learned counsel for the opposite party no. 2.

The present application filed under Section 482 of the Code of Criminal Procedure, 1973 seeks quashing of the order dated 29.03.2012 passed by the learned Judicial Magistrate, Ist Class, Patna Sadar, Patna by which finding prima facie material against the petitioners cognizance has been taken under Sections 500 and 501 of the Indian Penal Code.

The matter relates to publication of the news item in the Daily Hindi Newspaper 'Prabhat Khabar' on

16.11.2011 in which certain imputations were made against the opposite party no. 2 (complainant).

Learned counsel for the petitioners submits that the news item was published bonafide in view of the complaint raised by the students against a particular coaching institute of whose the opposite party no. 2 was the Centre Head since the same was shut down without completing the full course, leaving the students in the lurch.

Learned counsel for the opposite party no. 2 has submitted that he was also a mere salaried employee in the said institute having its headquarters at Chennai and without hearing his side of the story, he has been painted as the villain in the entire episode which has caused harm to his reputation in the eyes of the public. It has further been contended that despite legal notice having been served on the petitioners to clarify the matter, the same not having been done led to the institution of the complaint case.

At this stage, after some arguments, the parties have agreed for a settlement inasmuch as counsel for the petitioners has agreed to publish a clarification/corrigendum in the newspaper at the same place where the report in which the name of the petitioners has been taken was printed.

In view of there being mutual and amicable settlement between the parties, learned counsel for the opposite party no. 2 also does not want to oppose the

application as he has fairly submitted that his only desire was that the facts from his side should also be presented as the news item was based on a one sided version as alleged by the aggrieved persons. Learned counsel for the petitioners submits that the said clarification/corrigendum will be published within 10 days from today.

The Court would like to record its appreciation of the gesture shown by the learned counsel for the petitioners in being agreeable to publish such clarification/corrigendum which besides being a healthy trend goes to show that there was no mala fide intention on their part of having published that news item.

Accordingly, the application is allowed. The impugned order dated 29.03.2012 passed by the Judicial Magistrate, Ist Class, Patna Sadar, Patna taking cognizance against the petitioners under Sections 500 and 501 of the Indian Penal Code in Complaint Case No. 442C of 2012 stands quashed subject to the aforesaid clarification/corrigendum being published by the petitioners in the concerned newspaper in the aforementioned terms within 10 days from today.

(Ahsanuddin Amanullah, J.)

P. Kumar

U		T	
---	--	---	--