

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO. 750 OF 2015

Mrs. Kiran Deepak Verma (Matrimonial Name)
Ms. Kiran Khimanand Pandey (Maiden Name) ... Petitioner.

V/s.

Laxminarayan Bhawandin Verma & Ors. ... Respondents.

Mr. Joydeb Saha a/with Santosh Vhatkar, Advocate for the
Petitioner.

Ms. Neha Salgaonkar, Advocate for Respondent No.1.

Mr. D. R. More, APP for the State.

CORAM : M.L.TAHALIYANI,J.

DATE : 04th MARCH, 2015

P.C. :

1 Admit. Respondents concerned waive service. By
consent of the parties, taken up forthwith for final hearing.

2 Heard the learned counsel for the petitioner, the
learned counsel for respondent no.1 and the learned additional
public prosecutor for respondent no.3-State. Name of
respondent no.2 shall be deleted immediately.

3 The petitioner is aggrieved by the order passed by
the learned Metropolitan Magistrate, 26th Court, Borivali,

Mumbai, asking her to appear before his court to answer the charge for the offence punishable under section 500 of the Indian Penal Code. It is submitted on behalf of the petitioner that a complaint of respondent no.1 under section 500 of the IPC filed in the court of Metropolitan Magistrate is based on the complaint filed by the petitioner before the Commissioner of Police and other police authorities including the Chief Minister of Maharashtra and Chief Justice of Bombay High Court and that it is also based on the FIR in crime no. 31 of 2013, registered at Borivali Police Station for the offences punishable under sections 498-A, 494, 406, 506 read with section 34 of the Indian Penal Code. It is submitted that there are no allegations specifically made against respondent no.1 either in the complaint lodged with the police authorities or in the FIR. It is, therefore, contended on behalf of the petitioner that the petitioner has not committed offence punishable under section 500 of the IPC.

4 The learned counsel for respondent no. 1 has submitted that the name of respondent no.1 was unnecessarily dragged by the petitioner in the complaint lodged with the police authorities and the FIR. It is admitted position that respondent no.1 was not charge-sheeted by the police though his name appeared in the FIR as well as in the complaints submitted to the various authorities. To examine whether it, prima facie, amounted to an offence punishable under section

500 of the IPC, one has to go through the definition of defamation, as defined under section 499 of the IPC. Said section can be reproduced as under :

“499. **Defamation.** – Whoever, by words either spoken or intended to be read or by signs or by visible representations, makes or publishes any imputation concerning any person intending to harm, or knowing or having reason to believe that such imputation will harm the reputation of such person, is said, except in the cases hereinafter excepted, to defame that person.”

It is clear from the complaint filed by the petitioner that the 'words' were intended to be read and they had been published. Only question which needs to be examined is whether the Petitioner intended to harm reputation of respondent no.1. Assuming for the sake of arguments that she did not intend to harm the reputation of respondent no.1, what is necessary to see is that at least she had knowledge or she had reason to believe that mentioning of the name of respondent no. 1 in the complaint addressed to the police and in the FIR, by itself will cause harm to the reputation of respondent no.1.

5 In my opinion, prima facie ingredients of offence punishable under section 500 of the IPC are there in the complaint filed by respondent no.1. No case is made out for quashing.

6 Writ petition, therefore, stands dismissed.

7 The petitioner is at liberty to file apology before the trial court and she may apologize before respondent no.1 also. Respondent No.1 is at liberty to accept the apology and withdraw the compliant. It is obviously between the petitioner and respondent no.1 for which no other directions can be issued.

8 On the prayer of the learned counsel for the petitioner, trial of the criminal complaint case is expedited. The learned trial Magistrate is directed to complete the conclusion of the trial within a period of three months from the date of receipt of this order.

(JUDGE)

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