

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

CRIMINAL WRIT PETITION NO. 2453 OF 2014

Mr. Shreyas Sadanand Adyanthaya ... Petitioner.

V/s.

State of Maharashtra & Others. ... Respondents.

Mr. Sooraj Hulke, Advocate for the Petitioner.

Mr. Rajesh More, APP for the State.

Mrs. Deepa A. Ahuja, Advocate for Respondent Nos. 2 to 4.

CORAM : M.L.TAHALIYANI,J.

DATE : 24th FEBRUARY, 2015

P.C. :

1 Heard the learned counsel for the petitioner, learned counsel for respondent nos. 2 to 4 and learned additional public prosecutor for the State.

2 The petitioner had filed the complaint in the Court of Judicial Magistrate, First Class, Court No.4 at Pune against respondent nos. 2, 3 and 4 for the offences punishable under section 500 of the Indian Penal Code. The learned Magistrate had issued process as prayed. The said order was challenged by one of the three respondents before the Sessions Court. The Sessions Court by a reasoned order allowed the revision

application and set aside the order of process issued against respondent nos. 2,3 and 4.

3 During the course of hearing of this petition, the learned Advocate for the petitioner has invited my attention to the alleged defamatory statements made by the respondent nos. 2,3 and 4 in the written statement filed in the Consumer Disputes Redressal Forum, Pune in complaint case no. 242 of 2011. The alleged defamatory material can be reproduced as under :

“The complainant's son being an advocate by profession is using his black gown to exert legal pressure upon Ops to obtain undue gain and to mislead this Hon'ble Forum.”

And

“It is submitted that the complainant's son being an advocate has concocted a false story without any material on records to mislead this Hon'ble Forum and to obtain unjust gains.”

4 To understand whether said statements / allegations made in the written statement, prima facie, amounted to an offence punishable under section 500 of IPC, it is necessary to go through section 499 of the IPC, which reads 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 expected, to defame that person.

In the first place there does not appear to be an allegation that respondent nos.2, 3 and 4 intended to harm the reputation of the petitioner or they knew that the statements made by them would harm the reputation of the petitioner. Simply because some unpleasant words are used, it cannot be said that, prima facie, an offence under section 500 of IPC was made out. In my opinion, there is nothing wrong in the order of the Sessions Court. There is no merit in the writ petition.

5 Writ Petition stands dismissed.

(JUDGE)

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