

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.**

**Crl. Misc. No. M-21591 of 2015
Date of Decision: 18.8.2015.**

Gian Chand Dumra

.....Petitioner

Vs.

Kanta Rani and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Deepak Aggarwal, Advocate
for the petitioner.

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SABINA, J.

Petitioner has filed this petition under Section 482 of the Code of Criminal Procedure, 1973 challenging the order dated 6.5.2015 (Annexure P-2).

Learned counsel for the petitioner has submitted that respondent No. 1 had filed complaint against the petitioner by levelling false allegations. Complaint filed by respondent No. 1 was found false by the investigating agency. Hence, the respondents were liable to be proceeded qua commission of offence of defamation.

Petitioner had filed complaint against the respondents alleging that he was an old aged person and was a social worker having good reputation in his friends, relatives, neighbours and public at large. Respondents with a view to harass and humiliate the complainant had filed a false complaint against the petitioner before Inspector General of Police on 14.8.2012. In the said

application, false allegations were levelled against the complainant that on 5.8.2012 at about 6.30/6.45 P.M., respondent No. 1 along with her husband (respondent No. 2) were present in *Gaushala*. Complainant also reached *Gaushala* and started abusing the respondents and had caught hold of respondent No. 2 from his neck and had given beatings to him. When respondent No. 1 tried to intervene, complainant had twisted her arm and had pushed her and abused her and had threatened that he would teach her a lesson. Son of the complainant had solemnized marriage with the daughter of brother of respondent No. 2. Due to this reason also, the respondents had blamed the complainant. Complainant was having only one son and he had solemnized marriage with the daughter of Baldev Singh-brother of respondent No. 2 and they were residing in Canada. Daughter of the complainant had died and relations between the complainant and respondents were not cordial. Complainant was looking after the minor daughter of his deceased daughter. During enquiry, it transpired that the complaint moved by respondent No. 1 against the petitioner was false. Hence, the complaint in question was filed by the petitioner against the respondents.

Petitioner led his preliminary evidence in support of his complaint. Trial Court vide order dated 03.7.2014 ordered the summoning of the respondents qua commission of offence punishable under Section 499, 500, 120-B of the Indian Penal Code, 1860. Aggrieved against the said order, respondents preferred a revision petition before the Sessions Court. Vide the impugned order dated 6.5.2015, the said revision petition was

allowed. Hence, the present petition by the complainant-petitioner.

The learned Court of Revision while allowing the revision petition has taken in consideration that the complaint submitted by respondent No. 1 was duly enquired and the Inquiry Officer i.e. Superintendent of Police (City) Bathinda had come to the conclusion that daughter of brother-in-law of Kanta Rani was married to son of Gian Chand Dumra. Gian Chand Dumra was not having cordial relations with the in-laws family of his son i.e. the respondents in the present case. Due to this reason, whenever both the families met, they abused each other. The occurrence had taken place on 5.8.2012 whereas the complaint was filed after 9-10 days. The inquiry officer further opined that the allegations were not found to be true as it was found to be a family dispute of near relatives. Keeping in view the said observation of the inquiry officer in mind, the learned Additional Sessions Judge while allowing the revision petition has held that in the facts and circumstances of the present case, it could not be said that the respondents had committed the offence of defamation.

The reasons given by the learned Additional Sessions Judge while allowing the revision petition, are sound reasons and call for no interference.

Dismissed.

**(SABINA)
JUDGE**

August 18, 2015
Gurpreet