

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM No.M-25746 of 2015

Date of decision:- August 05, 2015

Jagdish Singh

.....Petitioner...

Vs.

Ramesh Chand and others

....Respondents...

CORAM:- HON'BLE MR. JUSTICE JASPAL SINGH

Present:- Mr. Parminder Singh, Advocate,
for the petitioner.

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest? ✓

JASPAL SINGH, J.

Challenge in this petition is to order dated May 18, 2015 (Annexure P-2) passed by Id. Sessions Judge, Ambala whereby revision petition of respondent No.1 against summoning order dated May 17, 2014 (Annexure P-1) has been accepted as well as revision petition preferred by petitioner seeking modification of order dated May 17, 2014 for summoning respondents No. 2 to 4 as an accused has been dismissed.

2. The background of the present petition is that petitioner lodged a complaint against respondents alleging that various complaints (Ex.C1 to C5) were moved by respondents in order to cause harm to his reputation. Petitioner and his family members were

summoned time and again for interrogation as well as lie detection test but they were found innocent. Due to the said malafide act of respondents, petitioner had suffered harm to his reputation and defamed in the eyes of nears and dears. On the basis of preliminary evidence brought on record before Id. Magistrate, respondent No. 1 was summoned to face trial under Section 500 IPC whereas complaint against respondents No. 2 to 4 was dismissed vide order dated May 17, 2014.

3. Feeling dissatisfied, petitioner preferred criminal revision No.76 of 2014, titled as ***“Jagdish Singh vs. Ramesh Chand and others”*** for modification of order dated May 17, 2014 to summon respondents No. 2 to 4 to face trial along with respondent No.1 whereas another revision petition No. 92 of 2014, titled as ***“Ramesh Chand vs. Jagdish Singh”*** was preferred by respondent No.1 challenging the aforesaid order. Revision petition preferred by petitioner was dismissed whereas revision petition preferred by respondent was allowed and order dated May 17, 2014 was set aside.

4. Aggrieved against order dated May 17, 2014 as well as order dated May 18, 2015, petitioner has approached this Court.

5. The contention of learned counsel for petitioner is that impugned orders are absolutely against the evidence available on file and settled canons of law. Learned trial court has wrongly concluded that case of petitioner falls in the exception clause Nos. 3 and 4 of Section 499 IPC. Id. trial court has ignored and disbelieved the overwhelming evidence adduced by petitioner before Id. trial court

without assigning any cogent reason. At the time of issuance of process under Section 204 Cr.P.C., Magistrate is only to be satisfied that sufficient grounds exist to proceed further on the basis of preliminary evidence adduced by complainant and at the stage of summoning, he is not required to consider the evidence in order to see whether conviction can be based upon it or not.

6. It has further been contended by learned counsel for petitioner that in the case in hand, matter of dispute is that theft had been committed in the house of Ramesh Chand-respondent No.1 on May 27, 2009 regarding which FIR was lodged and investigation was put into motion. In order to defame and cause harm to the reputation of petitioner, he raised suspicion towards petitioner and his family members, in pursuance of which, they were called to police station frequently, subjected to interrogation as well as lie detection test but ultimately, they were found to be innocent. The police could not trace out the miscreants so preferred to file un-traced report. Since, respondent No. 1 intended to cause harm to the reputation of petitioner as well as to defame him, the ingredients constitute defamation are fully established. Ld. Sessions Judge has wrongly observed that case falls within the exception clause and order dated May 18, 2015 (Annexure P-2) is not sustainable in the eyes of law and deserves to be set aside whereby revision petition preferred by the petitioner deserves to be accepted.

7. On the other hand, learned counsel for respondents has hotly resisted the petition submitting that there is no infirmity or illegality in the impugned order and the same is absolutely

inconsonance with the evidence available on file as well as legal proposition applicable to the facts and circumstances of the case in hand. The instant petition as well as other proceedings initiated by petitioner are nothing but an abuse of the process of law, which deserves to be dismissed.

8. This Court has given an anxious thought to the rival submissions made by learned counsel for the parties besides going through impugned orders meticulously. This Court does not find any merit in the instant petition.

9. It is an admitted fact that theft had taken place in the house of respondent No. 1, who lodged a complaint in this regard with the police. He also suspected petitioner to be one of the culprit, as a result of which, he was summoned by the police and subjected to interrogation including lie detection test but summoning of petitioner or his family members in the police or subjected to interrogation and lie detection test, do not *ipso facto* mean that petitioner has been defamed in the eyes of his nears and dears or relatives even though, he has been found innocent by the police. It also cannot be said that respondent No.1 intended to harm the reputation of petitioner or to cause injury to him by lodging or initiating any criminal proceedings against him. Ld. Sessions Judge has elaborately discussed not only the evidence brought on record but the legal proposition as well. Thus, this Court does not find any illegality or impropriety in the impugned order dated May 18, 2015 (Annexure P-2). Rather the same is absolutely inconsonance with the evidence available on file as well as legal proposition.

10. In the light of what has been discussed above, this Court does not find any merit in the instant petition. As such, the same is dismissed.

August 05, 2015
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(JASPAL SINGH)
JUDGE