

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

CRM No. M-38648 of 2012(O&M)

Date of decision: 09.02.2015

Narinder Kapoor

.....Petitioner

versus

M/s Kapoor Cotsyn (India) and others

.....Respondents

**CORAM: Hon'ble Mr.Justice Kuldip Singh**

Present: Mr.K.D.S.Hooda, Advocate for the petitioner  
Mr.Uday Chauhan, Advocate for  
Mr.Jatinder Singh, Advocate for the respondents

1. *Whether Reporters of Local Newspapers 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?*

**Kuldip Singh, J. (Oral)**

Impugned in the present petition is the judgment dated 6.9.2012, passed by the learned Additional Sessions Judge, Ludhiana, affirming the order dated 1.11.2010, passed by learned Judicial Magistrate 1<sup>st</sup> Class, Ludhiana, whereby the accused were discharged.

As per the complaint made by the petitioner under Section 500 IPC, a news item was published in The Tribune Ludhiana dated 20.10.2003. As per learned counsel for the petitioner, the following portion in the news item is defamatory:-

*“The report stated that DSP Gurjit Singh and Inspector Devinder Kumar, a former SHO, Division No.8 Police Station, in connivance with businessman Narinder*

*Kapoor had falsely implicated industrial Shammi Kapoor in a fraud case. The cops also tortured Shammi's relatives, forcing them to pay a huge money to the cops and the businessman.*

*According to the inquiry report, Mr. Shammi Kapoor runs a firm under the name of M/s Kapoor Cotsyn (India) here with his partners. The accused, Narinder Kapoor, played a fraud with the firm and caused them a loss of Rs.46 lakhs."*

I have heard learned counsel for petitioner and learned counsel for the respondents.

A perusal of the news item shows that this publication refers to some inquiry report made by Mr.J.R.Singla, a former Additional District and Sessions Judge, in which the cops were indicted. News item was published by the Tribune Trust, which has not been arrayed as accused. Accused in this case are M/s Kapoor Cotsyn (India) and its partners. There is nothing on file to show that they had played any role in publication of the said news item. The news is the correct publication of the inquiry report and it cannot be called defamatory. Hence, the accused were rightly discharged in the complaint and the order was rightly upheld by the learned Additional Sessions Judge.

No ground is made out to interfere.

The petition is accordingly dismissed.

**09.02.2015**  
gk

**(Kuldip Singh)**  
Judges