

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL PETITION No.937 of 2012

ORDER:

The Criminal Petition is filed under Section 482 of Code of Criminal Procedure (Cr.P.C) seeking to quash the proceedings in C.C.No.370 of 2011 on the file of the II Additional Judicial First Class Magistrate, Kovvur, arising out of an offence under Section 500 IPC read with Section 34 IPC.

Heard and perused the material available on record.

The allegations made against the petitioners herein is that they have published a news item on 27.12.2008 stating that a girl was kidnapped and she was later raped and that the complainant/second respondent herein sold away the said girl for Rs.5,000/-. The grievance of the complainant herein is that after investigation, the police closed the case as false in nature. It is further alleged that the said news item was published with an intention to defame the complainant.

Learned counsel for the petitioners submits that they have published the said news item as per the contents of the First Information Report and that they have not exaggerated anything or that they do not have any intention to defame the complainant. The main intention of publishing the news item is only to inform the Public about the registration of the crime by the Station House Officer concerned and that the said act would not attract an offence under Section 500 IPC.

This Court is of the view that admittedly the contents of the news item reflects the contents of the First Information Report given by a person against the complainant herein. The fact remains that the police investigated the case and filed a report stating that the said case is a false case as the investigation does not disclose any offence.

Considering the facts and circumstances of the case, this Court is of the view that the petitioners do not have any intention to defame the

complainant since they have published the contents of the First Information Report, which is registered by the Station House Officer concerned. Hence, the proceedings against the petitioners herein for the offence under Section 500 IPC read with Section 34 IPC are liable to be quashed.

The criminal petition is accordingly allowed and the proceedings in C.C.No.370 of 2011 on the file of the II Additional Judicial First Class Magistrate, Kovvur, are hereby quashed and the petitioners are acquitted of the offences alleged against them.

Consequently, miscellaneous petitions, if any, pending, shall stand closed.

25.07.2016
pln



JUSTICE RAJA ELANGO