

CRM-M-17655 of 2016

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No. 123

CRM No.M-17655 of 2016

Date of decision: August 05, 2016

Rama Devi

.... Petitioner

Versus

Raja Bose & Anr.

.... Respondents

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Ms. Kulwant Kaur, Advocate,
for the petitioner.

JASPAL SINGH, J.

The instant petition has been preferred by the petitioner-Rama Devi under Section 482 Cr.P.C. for quashing/setting aside the order dated April 02, 2016 passed by the Additional Sessions Judge, Chandigarh in Criminal Revision No.46 of 2016, whereby order dated January 13, 2016, passed by the Judicial Magistrate Ist Class, Chandigarh has been upheld and complaint under Section 500 read with Section 34 of IPC instituted by the petitioner/complainant has been dismissed.

2. The petitioner instituted a complaint alleging that she is an

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aged lady; is a patient and belong to a poor family. The respondents with common intention got published a news article in the newspaper “Times of India” dated February 18, 2012 under the heading “LADY WHO COOKS UP RAPE IN HER 50s, SHE HAS MADE 52 FALSE COMPLAINTS”. The complainant alleged that the aforesaid news was published by the respondents in order to defame her without any knowledge of facts. She further alleged that her image has been tarnished in the society and the relations between her and her son Ajay Kumar became strained. The complainant also lost her job due to the aforesaid news items. Accordingly, the complainant-petitioner prayed that the aforesaid respondents be summoned and punished accordingly. The trial court after hearing the learned counsel and perusing the record including the news item found that various complaints alleging her rape against various persons were lodged by the petitioner-complainant. However, all of them were found to be false or the accused were acquitted or discharged by the concerned courts and the news item was held to be in the interest of general public and it was held that no offence under Section 500 read with Section 34 of IPC was made out and the complaint was dismissed.

3. The aggrieved complainant approached the Sessions Court by way of criminal revision, whereby the order dated January 13, 2016 passed by the Judicial Magistrate Ist Class, Chandigarh was upheld.

4. Now, the complainant has approached this court praying that the aforesaid order(s) be set aside and the respondents be summoned to face trial under Section 500 read with Section 34 of IPC. Learned counsel for the petitioner has contended that a wrong criteria has been adopted by the

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courts below and thus, the courts have heard for appreciating the evidence and a wrong conclusion has been drawn. Hence, the impugned order(s) be set aside and respondents be summoned to face trial.

5. This court has given an anxious thought to the rival submissions made by learned counsel for the petitioner and gone through the record available on file.

6. The complainant stepped in the witness box as CW-1. She also examined her neighbour Shyamveer Singh as CW-2, Bhubneshwar, Deputy Manager, Times of India, SCO No.72-75, Sector 8-C, Chandigarh as CW-3 and her son Ajay Kumar as CW-4. Complainant placed on record copy of order dated April 28, 2014 passed by Judicial Magistrate Ist Class, SAS Nagar, Mohali in Criminal Complaint No.88/5.09.2005, whereby, the then accused namely Gurjit, Narula and Anurag were discharged. Complainant also placed on record copy of order dated March 11, 2015 (Ex.C-2) passed by this court, whereby CRM-A-991-MA-2014 challenging the aforesaid order dated April 28, 2014 was dismissed. Further, the courts below have held that the petitioner used to lodge false complaints and thereafter, used to withdraw the complaints after getting money, whereas, in many cases, the accused were acquitted or discharged. A perusal of news item dated February 18, 2012 reveals that the news was published against a female without disclosing any name or other details. It remained unexplained that why and how the complainant felt defame on the basis of news item despite the fact that her name was not mentioned anywhere.

7. This court is of the considered view that the order(s) of the courts below neither suffers from any defect nor infirmity. Proper

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appreciation of evidence has been made and conclusion has been rightly drawn.

8. In the light of what has been discussed above, this court does not find any illegality or infirmity in the impugned order(s).

9. Instant petition stands dismissed.

August 05, 2016
Avin/Ankur

(JASPAL SINGH)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No