

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-38703 of 2013 (O&M)

.....

Date of decision:7.9.2016

Satpal Dhuna and another

.....Petitioners

v.

Prashant Kumar

.....Respondent

....

Present: Mr. Hari Om Verma, Advocate for the petitioners.

None for the respondent.

.....

Inderjit Singh, J.

This petition has been filed under Section 482 Cr.P.C. praying for quashing of criminal complaint case No.38/2011 dated 20.4.2011, titled as Prashant Kumar Versus Satpal Dhuna and others, filed under Sections 499, 500, 504, 506 and 120-B IPC, pending before learned Judicial Magistrate Ist Class, Amritsar.

Notice of motion has been issued in this case.

Learned counsel for the respondent appeared in the proceedings, but he absented on March 18, 2016. This Court adjourned the case to 28.5.2016, but it was made clear that if none appeared on behalf of the respondent on the date fixed, the instant petition shall be disposed of on merits. On 28.5.2016, learned counsel for the respondent again appeared, but this case was adjourned for today i.e. 7.9.2016. Today again, no one has appeared on behalf of the respondent.

I have heard learned counsel for the petitioners and have gone

through the record.

From the record, I find that Prashant Kumar-complainant (respondent herein) filed complaint against Sat Pal Dhuna and Kamla Rani under Sections 499, 500, 504, 506 and 120-B IPC. The complainant is a practising Advocate at District Courts, Amritsar. He stated that the marriage of the complainant was solemnized with younger daughter of the accused person, namely, Geeta on 17.2.2002. A perusal of the complaint also shows that a matrimonial dispute arose between the husband and wife. It is in the complaint that despite repeated requests, wife of the complainant i.e. daughter of the accused persons failed to reconstitute the conjugal rights of the complainant and thus petition under Section 9 of the Hindu Marriage Act was filed. It is in the complaint that accused persons in connivance with the wife of the complainant, i.e. their daughter, hatched a criminal conspiracy to defame and insult the complainant and for this very notorious and ulterior motive they had got published a defamatory, incriminatory, illusive, deceptive, arbitrary, flimsy etc. publication in the shape of advertisement, published at page No.4 of daily Hindi newspaper "Dainik Bhaskar", in which it was published as under:-

“HUM, SATPAL DHUNNA AUR KAMLA RANI, NIWASI
MAKAAN NO.3897/1, GALI KHAIR DEEN, RAM BAGH
CHITTA CHUMAT, AMRITSAR, SUCHIT KARTE HAI
HAMARI BETEI GEETA AUR DAMAD PRASHANT
KUMAR (VAKIL, CHAMBER NO.44-B, ZILA KACHEHRI,
AMRITSAR), HAMARE KAHNE SE BAHAR HAI, HUM

UNKO APNI ACHAL – ACHAL SAMPATISE BEDAKHAL
KARTE HAI INKE SAATH LAIN-DAIN KARNE WALA
AWAY (SIC. - SAWAYAM) JIMEVAR HOGA. IN DONO KE
SAATHAAJ SE HAMARA TATHA HAMARE BACHON DO
BETO, EK BETI KA KOI SAMBADH NAHI HAI”

A perusal of the complaint itself shows that this complaint is mainly filed on the basis of this publication by the accused-petitioners which the complainant is saying defamatory. A perusal of the advertisement nowhere shows that any derogatory remarks have been used by the accused-petitioners. Rather, in the publication they had simply disowned their daughter as well as son-in-law and have stated that they have no concern with their activities in future and the complainant as well as the daughter of the present petitioners have been disinherited from the properties owned by the petitioners. It is thus a publication for disinheriting the daughter as well as son-in-law (complainant) from their properties. In no way, it will amount to defame or insult nor it can be held that the words used in the publication were for the purpose of defaming the complainant. In no way, these words can be held as defamatory.

Therefore, from the above, I find that the filing of the criminal complaint by the complainant is nothing but an abuse of the process of law with the sole purpose to harass the petitioners. Therefore, I find merit in the present petition and the same is allowed. Criminal complaint case No.38/2011 dated 20.4.2011, titled as Prashant Kumar Versus Satpal Dhuna and others, filed under Sections 499, 500, 504, 506 and 120-B IPC, pending

before learned Judicial Magistrate Ist Class, Amritsar, along with all subsequent proceedings are hereby quashed.

September 7, 2016. **(Inderjit Singh)**
Judge

hsp

NOTE:	Whether speaking/reasoned:	Yes
	Whether reportable:	No