

**CRM-M-6678-2013 and
other connected petitions**

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

Date of Decision:02.12.2016

1. CRM-M-6678-2013 (O & M)

Kiranpreet Kaur

... Petitioner

Versus

Rupinder Singh

... Respondent

2. CRM-M-16264-2013 (O & M)

Manpreet Kaur

... Petitioner

Versus

Rupinder Singh

... Respondent

3. CRM-M-16266-2013 (O & M)

Bhai Jaspal Singh

... Petitioner

Versus

Rupinder Singh

... Respondent

AND

4. CRM-M-22649-2013 (O & M)

Abheer Negi and another

... Petitioner

Versus

Rupinder Singh

... Respondent

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CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Mukesh Kalia, Advocate,
for the petitioner in CRM-M-16266-2013.

Ms. Sumita Kapil, Advocate,
for the petitioners in remaining petitions.

None for the respondent.

INDERJIT SINGH, J.

All the above mentioned petitions are taken up together
being arisen from same complaint.

This order shall dispose of above mentioned four petitions
filed under Section 482 of the Code of Criminal Procedure for quashing
of the impugned criminal complaint No.28/1 dated 28.04.2010, titled as
'Rupinder Singh vs. Gurminder Kaur and others', filed by the respondent
and for quashing of the impugned summoning order dated 10.07.2012
passed by learned Judicial Magistrate Ist Class, Ludhiana whereby the
petitioners have been summoned to face trial for the offence under
Section 500 of the Indian Penal Code, 1860 (for brevity, 'IPC')

Notice of motion was issued. Earlier the respondent put in
appearance through his counsel, but none appeared on behalf of the
respondent on 17.08.2016. Even today, none has appeared on his behalf.

I have heard learned counsel for the petitioners and have
gone through the record.

Perusal of the record shows that respondent-complainant,

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Rupinder Singh filed complaint under Section 500 IPC against Gurminder Kaur, Abhir Nagi, Manpreet Kaur, Kiranpreet Kaur, Bhai Jaspal Singh, Chief Correspondent, India T.V. and Chief Correspondent, Zee T.V., Punjabi. Learned Judicial Magistrate Ist Class, Ludhiana after considering the preliminary evidence summoned the present petitioners under Section 500 IPC, vide impugned order dated 10.07.2012 (Annexure P-2). The brief facts of the case, as noted down in the impugned order dated 10.07.2012 (Annexure P-2), are as under:

“2. Complainant has filed the present complaint alleging therein that he is a respectable citizen of Ludhiana and is a follower of Sikh religion. He and his family came in touch with accused No.3 who used to perform Kirtan and in a relation congregation at Indore, accused No.5 had openly stated that Raag enshrined in Guru Granth Sahib has no relevance in the present and he used to take his family including his minor daughters viz. accused Nos.3 and 4 at the place of Kirtan from the year 2007 and in the year 2007, accused No.5 took away her minor daughters viz. accused Nos.3 and 4 to Gurgaon without his consent and this act of the accused No.5 amounted to kidnapping but he kept mum due to public image of his family. He and his wife Harjinder Kaur was able to persuade the minors and brought them back and on coming to Ludhiana, accused No.5 felt sorry and kept on visiting his house but he was not aware about

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malafide designs of accused No.5. He told that he is preaching Sikh religion to minors and on asking of accused No.5, he got admitted the accused No.3 and 4 in Hostel at Ludhiana for their higher studies in the year 2009 and during the period, accused Nos.1 and 3 and 5 remained in constant touch with accused Nos.3 and 4 and on 25.2.2010, he came to know about missing of accused Nos.3 and 4 from the hostel and as such, FIR No.43 dated 25.02.2010, P.S.Model Town was registered against the accused.

It has been alleged that subsequently, he came to know that accused Nos.1, 2 and 5 had put undue influence over accused Nos.3 and 4 and accused No.5 had allured accused Nos.3 and 4 and got them involved in vicious and indecent circle out of his lust and he has projected himself to be spiritual of Guru and on the pretext of taking people abroad allured accused Nos.3 and 4 in his dirty business. It has further been alleged that he and guardian so appointed on the request of accused No.5 also went at his house but accused Nos.1 to 5 openly declared that accused Nos.3 and 4 are major in age and as such, they can live with accused No.5 and said statement of accused came as a blow below his belt and his wife as they did not expect such statement from religious guru like accused No.5. Then, accused Nos.1, 2 and 5 in criminal conspiracy of each other produced the accused Nos.3 and 4 on T.V. Channels viz. accused Nos.6 and 7 and on 5.3.2010, accused No.6 aired a programme in which, accused Nos.1 and 2 made a false statement that he was pushing

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accused Nos.3 and 4 in flesh trade and again on 11.3.10, accused No.7 widely aired a programme to this effect and same has been seen and heard by lot of people including persons who were known to him and said persons of the area, friends and his relatives informed him about the said statement and formed an opinion to avoid his company and they have been avoiding to call him on social functions and said act of all the accused cause harm to his reputation and due to said defamatory statement, he is unable to move in society and his fellow profession. Accused Nos.6 and 7 have aired the programme without verifying the contents and both the accused Nos.6 and 7 have been instrumental in defaming him along with other accused. Even said statement has been put on internet and circulated across the world. Imputation has been made directly with a view to lower the moral and intellectual reputation. It is only the accused no.5 who has exploited the sentiments of accused Nos.3 and 4 and has illegally kept them in his custody with an intention to exploit their innocence.

It has further been alleged that accused Nos.3 and 4 being his daughters have misstated the facts before accused Nos.6 and 7 at the behest of accused Nos.1, 2 and 5 and he again requested the accused Nos.3 and 4 to join his company and his family members, otherwise he shall disown accused Nos.3 and 4 from all his legal rights. It has also been alleged that he being baptized Sikh never asked both the accused to

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commit any illegal act and has never indulged in any illegal or nefarious activity and he is still ready to accept and forgive accused Nos.3 and 4 for their innocent fault, though he and his family suffered a lot of humiliation due to illegal act of the accused. It has also been alleged that he has served a legal notice dated 19.03.10 through his counsel upon the accused to give written apology but neither they gave any reply thereto nor made any written apology. Hence, the present complaint.”

All these petitions are pending since 2013 and even on 28.07.2016, these petitions were ordered to be shown in urgent list. Record of learned lower court has been received.

Learned counsel for the petitioners argued that earlier T.V. Channels aired the report against the present petitioners at the behest of the respondent-complainant and after seeing the T.V., petitioners, namely, Manpreet Kaur and Kiranpreet Kaur appeared on T.V. Channels and gave their version. The Correspondents asked the questions to Manpreet Kaur and Kiranpreet Kaur and they gave reply to the same.

After hearing learned counsel for the petitioners and going through the record including the record of trial Court, I find that the respondent-complainant has filed the complaint against her two daughters- Manpreet Kaur and Kiranpreet Kaur, their friend-Abhir Nagi, mother of their friend-Gurminder Kaur and one Bhai Jaspal Singh. Perusal of record shows that interview was given by Manpreet Kaur and

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Kiranpreet Kaur on T.V.Channels. Bhai Jaspal Singh was neither present in India at the relevant time, nor had given any interview on the T.V.Channels, therefore, he has not made any defamatory statement against the respondent. Similarly, there is nothing on record to show that Gurminder Kaur and Abhir Nagi had appeared on T.V.Channels and made any defamatory statement against the respondent.

So far as the case of petitioners, Manpreet Kaur and Kiranpreet Kaur is concerned, I have gone through the statements given in the interview on the T.V.Channels. They have only raised their grievance against their father regarding maltreatment etc. It is argued that protection has been provided to Manpreet Kaur and Kiranpreet Kaur from their father, respondent by the Delhi High Court. It is also argued that when the complaint was filed at Ludhiana, then the Delhi High Court also ordered for the protection in Punjab. Petitioners, Manpreet Kaur and Kiranpreet Kaur are residing at Delhi and Gurminder Kaur and Abhir Negi only helped them during their difficult days. Petitioners, Manpreet Kaur and Kiranpreet Kaur had not uttered anything defamatory with a malafide intention to defame their father. Earlier, respondent-Rupinder Singh also filed a case for kidnapping etc. which has been quashed, as argued by learned counsel for the petitioners. Perusal of the complaint itself shows that filing of the present complaint is only to harass the present petitioners.

It is stated in para No.11 of the complaint that Manpreet

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Kaur and Kiranpreet Kaur being daughters of the complainant have mis-stated the facts before accused Nos.6 and 7, Chief Correspondent, India T.V. and Chief Correspondent, Zee T.V. at the behest of accused Nos.1, 2 and 5, namely Gurminder Kaur, Abhir Nagi and Bhai Jaspal Singh and as such the complainant again requested the accused to join the company of the complainant and his family and son, otherwise the complainant shall be left with no other alternative but to disown the accused Nos.3 and 4, namely Manpreet Kaur and Kiranpreet Kaur from all his legal rights.

In view of these allegations also, I find that the complainant himself not saying that these statements were given with an intention to defame him, who is father of petitioners-Manpreet Kaur and Kiranpreet Kaur. Rather, he himself says that they have mis-stated the facts. Mis-stating the facts in no way amounts to defamation. As already discussed, even the perusal of interview given by the daughters of the complainant to the T.V.Channels, nowhere shows that they have given the statements only to defame the complainant, rather the correspondent asked the questions to the petitioners-Manpreet Kaur and Kiranpreet Kaur and they gave the reply to that. In no way, it can be inferred that these statements were given only for the purpose of defamation.

From the above discussion, I find that filing of the complaint against the present petitioners is nothing, but an abuse of process of law and amounts to miscarriage of justice. Therefore, finding merit in all these petitions, the same are allowed. Criminal complaint

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No.28/1 dated 28.04.2010, titled as 'Rupinder Singh vs. Gurminder Kaur and others' and the summoning order dated 10.07.2012 are hereby set aside including the subsequent proceedings arising therefrom.

02.12.2016

parveen kumar

**(INDERJIT SINGH)
JUDGE**

Whether speaking/reasoned	:	Yes
Whether reportable	:	No