

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.4713 of 2010

ORDER:

This criminal petition is filed for quash of the proceedings in Cr.No.52 of 2010 against the petitioner, who is A1, on the file of the Station House Officer, Penukonda Police Station, Anantapur District. The offences alleged are under Sections 500, 501, 506, 384 read with Section 34 of the Indian Penal Code and Section 65 of the Information Technology Act.

2. Heard the counsel for the petitioner and the learned Public Prosecutor, appearing for the first respondent. None appeared for the second respondent in spite of notice.

3. The petitioner herein is the Managing Director of Surya Newspaper. The allegations in the complaint are that a reporter of Surya Newspaper by name Nagaraju has threatened the complainant, who is the Manager of the Sri Kaleswar Swamy Ashram, Penukonda, Anantapur District, stating that if he does not fulfil the demand of money made by him, he would publish false news and he also threatened him stating that if he does not abide by the words of the petitioner, who is the MD of the newspaper, he would have to face serious consequences. The offences for which the case was registered include Sections 500 and 384 IPC.

4. The counsel for the petitioner submits that the ingredients of Section 384 IPC are absolutely not attracted as it is a pre-condition that there should be some delivery of property or valuable security.

Extortion, which is punishable under Section 384 IPC, is defined under Section 383 IPC, which runs as follows:

“383. Extortion- Whoever intentionally puts any person in fear of any injury to that person, or to nay other, and thereby dishonestly induces the person so put in fear to deliver to any person any property or valuable security, or anything singed or sealed which may be converted into a valuable security, commits “extortion”.

The counsel for the petitioner, in support of his contention, that when there is no delivery of property or valuable security, Section 384 IPC is not attracted relied on a decision of this Court in LANKA HANUMANTHA RAO v. STATE OF AP¹ wherein it was held as under:

“6. An offence of “extortion” must contain the following ingredients;

- (i) The person who is a victim of extortion must have delivered to the accused or any other person some property or any document, which can be converted into valuable security.
- (ii) Such delivery must be in pursuance of a dishonest inducement of the beneficiary or somebody on behalf of the beneficiary and
- (iii) Such inducement by the accused must be with an intention to put the deliverer in fear of injury and such delivery must be as a result of such fear of injury.

5. In this case, there is absolutely no allegation that the complainant has parted with any property or valuable security. Hence, on the face of the complaint itself, it appears that Section 384 IPC is not attracted to the allegations.

¹ 2005 (1) ALD (CRI) 986

6. As regards the offence under Section 500 IPC is concerned, the allegations in the complaint itself would show that there was no offence committed, attracting Section 500 IPC. The allegation is only that the reporter of the Surya Newspaper, of which the petitioner is the Managing Director, threatened the complainant to defame them. Hence, seen from any angle, the petitioner cannot be held liable when there is absolutely no allegation made against him that he is the person, who either made an attempt to extort money from the complainant or threatened to defame them by publishing false news. Hence, the complaint, on the face of it, seems frivolous and vexatious and continuation of further proceedings against the petitioner would only be abuse of process of law.

In the light of the above, the criminal petition is allowed and the proceedings in Gr.No.52 of 2010 against the petitioner, who is A1, on the file of the Station House Officer, Penukonda Police Station, Anantapur District, are hereby quashed. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

November 15, 2018
DSK

T. RAJANI, J