

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

**CRM No. M-12119 of 2015 (O&M)
DECIDED ON : 19.07.2017**

Mohan Singh

...Petitioner

Versus

Radhey Sham Jain and others

...Respondents

CORAM : HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present : Mr. P. K. S. Phoolka, Advocate,
for the petitioner.

ANUPINDER SINGH GREWAL, J.(ORAL)

The petitioner is seeking quashing of order dated 30.08.2013 passed by Judicial Magistrate Ist Class, Talwandi Sabo, whereby his complaint under Section 500 IPC has been dismissed, as well as for quashing the order dated 03.03.2015 passed by Additional Sessions Judge, Bathinda, whereby his revision there against has been dismissed.

The petitioner had filed a complaint under Section 500 IPC against the respondents for publishing false news that he had demanded a sum of ₹1500/- as bribe from one Darshan Singh s/o Maghar Singh for making the payment of grant sanctioned by the government for repair of his house and had further demanded another sum of ₹1500/- for making payment of second installment of said grant. The news item is stated to have been published in newspapers Des Sewak and Daily Ajit on

18.05.2012. It was also published in newspaper Spokesman on 20.05.2012.

The petitioner is stated to be working as Panchayat Secretary at that time and respondent No.1 is stated to be local reporter of Des Sewak and Spokesman newspapers, whereas respondent No.3 is the reporter of Daily Ajit. The other respondents are stated to be editors or publishers of these newspapers.

The trial Court, after recording preliminary evidence had come to the conclusion that there is no intention to defame the complainant and the newspapers have merely published the news as one Darshan Singh s/o Maghar Singh had filed an affidavit against the petitioner in this regard. The revision petition preferred there against has also been dismissed.

Learned counsel for the petitioner has contended that the petitioner being Panchayat Secretary and a government servant, was defamed by the respondents by publishing the news. There was neither any FIR nor any enquiry had been conducted by the department in the allegations made in the complaint against the petitioner and therefore, the respondents should not have published the news in the newspapers.

Heard learned counsel for the petitioner.

The news item which was published in the newspapers pertains to a complaint against the petitioner that he had taken bribe of ₹1500/- for release of grant sanctioned for repair of the house of Darshan Singh. It is also recorded in the order of

Additional Sessions Judge that the order passed by the Block Development Officer had been placed on record, wherein the complaint by Darshan Singh levelling allegations of demanding bribe by the complainant were found to be false and the complaint was filed in that regard. It is, thus, patent that Darshan Singh had filed a complaint against the petitioner, the factum of which had been published by the respondents in the newspapers during its pendency. The Courts below have rightly held that in the light of factum of complaint filed against the petitioner for demanding bribe being established, the news item was published bona fide and in good faith, without any intention to defame the petitioner and hence did not constitute offence under Section 499 IPC. The view taken by the Courts is a plausible one and while exercising jurisdiction under Section 482 Cr.P.C, there is no material before this court which would suggest that the impugned orders suffer from any manifest illegality or are perverse. Even if I have to take another view on these facts, interference while exercising jurisdiction under Section 482 Cr.P.C, would not be called for as this power has to be used sparingly.

In the result, the instant petition stands dismissed.

(ANUPINDER SINGH GREWAL)
JUDGE

JULY 19, 2017

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| 1. Whether speaking/reasoned : | YES/NO |
| 2. Whether reportable : | YES/NO |