

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.7568 of 2011

ORDER:

This petition is filed, seeking for quash of the proceedings against the petitioner, who is A1, in C.C.No.3 of 2011 on the file of the Chief Metropolitan Magistrate, City Civil Court, Nampally, Hyderabad.

2. Heard the counsel for the petitioner as well as the counsel for the 1st respondent and the Public Prosecutor, appearing for the 2nd respondent.

3. The case was registered basing on the complaint filed by the complainant, contending that the 1st respondent published a news item in Sakshi newspaper, which is defamatory. The allegations in the complaint are that the news paper published the wrong information about the mayor instructing on 26.05.2010 to Inspector of Police, Charminar, to take action against the Complainant. *In fact*, there was no case against the complainant in the Police Station, Charminar as on 26.05.2010. The complainant alleges that as no such case was registered on the said date, and hence the publication in the newspaper with the said date, amounts to defamation.

4. The paper publication, which is alleged to be defamatory, is filed by the counsel for the petitioner. A perusal of the same would show that the news report is only that a case was registered against the complainant. No date of registration was mentioned. Copy of the FIR, dated 27.05.2010, was also filed by the counsel for the petitioner. The alleged offences registered

against the complainant are under sections 448, 506 and 384 IPC.

5. The counsel for the 1st respondent submits that the operative portion of the publication would show that A1 has given a finding that the complainant is a cheater. But a reading of the said publication would only show that there was some excess exhibited by A1, but that may not be with an intention to defame the complainant. In order to give some affectation to the news the operative portion seems to have been worded in the same manner. The other part of the publication is only a reproduction of the report, which was already given against the complainant.

6. In view of the above, this court opines that the said news item published by A1 does not amount to defamation as it is only a reproduction of the contents of the FIR, which was registered against the complainant. Hence, this court opines that continuation of further proceedings against the petitioner would only result in abuse of process of law.

7. With the above observations, the Criminal Petition is allowed and the proceedings against the petitioner, who is A1, in C.C.No.3 of 2011 on the file of the Chief Metropolitan Magistrate, City Civil Court, Nampally, Hyderabad, are hereby quashed.

As a sequel, the miscellaneous applications, if any pending, shall stand closed.

T. RAJANI, J

August 16, 2018
LMV