

SMT JUSTICE T.RAJANI

CRIMINAL PETITION Nos.13636 AND 13649 OF 2011

COMMON ORDER:

These two Criminal Petitions, under Section 482 of Cr.P.C., are separately filed by the Petitioner/A-1 seeking to quash the proceedings in C.C. Nos.24 and 23 of 2011, pending on the file of the Court of Judicial First Class Magistrate at Mahabubnagar (for short, 'the trial Court') respectively, registered for the offence punishable under Section 500 of I.P.C.

2. Heard learned counsel for the petitioner, learned counsel for the 1st respondent – complainant, and learned Public Prosecutor, appearing for the 2nd respondent – State.

3. The allegations in the complaints are that the petitioner has reported to the news papers that the complainant herein was suspended.

4. The complainant does not dispute the fact of his suspension; his only contention is that, due to the said fact being published in the news papers, his reputation is lowered in the eyes of public.

5. Learned counsel for the petitioner submits that the complainant has filed a suit in O.S. No.69 of 2008 on the file of the Court of I Additional District Judge, Mahabubnagar, with the same cause of action and the said suit was dismissed. A copy of the judgment therein is filed before this Court; wherein it was observed that the petitioner herein, who was examined as D.W.1, denied of convening a meeting with the press reporters and that she only confirmed the information about the suspension of the complainant, as per Ex.A-1 – copy of the suspension order, dated 09.10.2007, issued by the Director General of Police, Hyderabad, when she was enquired on phone by some of the press reporters, about the truth of the suspension order of the plaintiff therein. Learned I Additional District Judge, Mahabubnagar, by considering the judgment of the Apex Court in **State**

of Rajasthan Vs. Ms.Vidhyawati and another¹, dismissed the suit in O.S. No.69 of 2008 observing that the plaintiff not only failed to prove the case against the defendants 1 and 2 but also failed to prove that his reputation was lowered in the eyes of public, as a result of publication of Ex.A-2 news in the newspapers.

6. Hence, in view of the above, this Court opines that continuation of further proceedings against the petitioner would result in sheer abuse of process of law.

7. In the result, both the Criminal Petitions are allowed and all further proceedings against the petitioner in C.C.Nos.24 and 23 of 2011, on the file of the Court of Judicial Magistrate of First Class, Mahabubnagar, are hereby quashed.

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

Date: 04.10.2018.
Dsh

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¹ AIR 1962 SC 933

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