

CRM-A-847-MA of 2013

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

CRM-A-847-MA of 2013
Date of Decision: 24.07.2018

Vinod Kumar

....Applicant

Versus

Satish Kumar and another

....Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Mr. Apoorv Sangwan, Advocate,
for Mr. S.S. Dinarpur, Advocate, for the applicant.

RAMENDRA JAIN, J. (ORAL)

Through this application under Section 378(4) Cr.P.C. prayer has been made to grant leave to appeal against the judgment dated 30.08.2013 passed by learned Additional Chief Judicial Magistrate, Ambala,

Briefly stated, there was a long drawn litigation between the applicant and the respondents. The rights of the parties stood determined by various judgments. In net result, applicant won the battle on civil side against the respondents. To take revenge, respondents lodged FIR No.243 dated 22.11.2001 under Sections 467, 468, 471 and 120-b IPC at Police Station Sadar, Ambala, against the applicant, which upon challenge through CRM-M-28147 of 2002 by the applicant, was quashed by this Court vide judgment dated 21.12.2005. Thereafter, the applicant filed a complaint under Section 500 IPC against the respondent in Court on the ground that on account of lodging of aforesaid false FIR against the applicant by the respondents, the applicant was handcuffed and remained in judicial lockup.

Due to above act, reputation and prestige of the applicant had lowered down in the eyes of his family and friends as they started looking the applicant

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with hatred eyes. Learned Additional Chief Judicial Magistrate, after holding trial, dismissed the complaint of the applicant vide impugned judgment dated 30.08.2013.

Learned counsel for the applicant contends that the trial Court failed to appreciate that there was sufficient and trustworthy evidence on the file to record conviction of the respondents. The trial Court also failed to appreciate that due to malicious prosecution of the applicant by the respondents, reputation and prestige of the applicant had lowered down amongst the public at large.

Having considered the submissions made by learned counsel for the applicant, I find the instant application completely devoid of any merit for the reasons to follow.

For conviction of a person under Section 500 IPC, it is very much necessary to establish that intention of the person so to be punished was to cause harm to the reputation of the victim and further that accused had knowledge or reasonable belief that imputation levelled by him against the victim would harm his reputation. Unless and until these two ingredients are satisfied by the complainant, a person, charged under Section 500 IPC, cannot be held guilty.

Perusal of the impugned judgment shows that in none of the judgments determining the rights of the parties, it was held that the respondents had filed false civil cases against the complainant. Respondent No.1 had filed a petition before this Court in which direction was issued to register a case against the applicant. Therefore, after registration of the case, in compliance of the direction of this court, the applicant was arrested

and was granted bail. Though the FIR in question was quashed, but, this fact by in itself is not sufficient to draw inference against the respondents

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that they had deliberately lodged false FIR against the applicant with *mala fide* intention and knowledge to harm his reputation.

The applicant in all examined two independent witnesses, one out of whom was the correspondent of newspaper “Dainik Bhaskar”, who simply proved the news item. However, no evidence was brought by the applicant against the person who had got published the said news item against him. Another independent witness examined by the applicant was Satish, who, in cross-examination, testified that he had got published the news on the basis of information received from the office of the Senior Superintendent of Police. Likewise, Chief Editor of City Media as CW-8 deposed that there was nothing mentioned about the source of the news. Therefore, it can safely be held that applicant had miserably failed to prove on the record that it was malicious act on the part of the respondents to lower down the prestige and reputation of the applicant by lodging a false FIR.

I have gone through the impugned judgment and find no illegality or perversity in the same rather the same is well-reasoned.

In view of the discussion made above, this application is dismissed.

July 24, 2018
R.S.

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No