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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

SANJIV KUMAR SHARMA
10/11/2018 11:58
I attest to the accuracy and
authenticity of this document

CRM-A-306-MA-2017 (O/M)
Date of decision : 31.10.2018

Jiya Lal

..... Applicant

Versus

Suresh Jindal and others

..... Respondent (s)

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Rajinder Goyal, Advocate,
for applicant.

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-:-

KULDIP SINGH, J. (ORAL)

This order will dispose of application filed under 378 (4) Cr.P.C. for grant of special leave to appeal against judgment dated 15.12.2016, passed by learned Sub Divisional Judicial Magistrate, Guhla, vide which accused were acquitted of the charges under Sections 499, 500 IPC.

Present applicant had filed a criminal complaint against 11 persons under Section 499, 500 IPC on 22.5.2013, stating therein that accused No. 1 to 11, who are some other Commission Agents, were levelling allegations relating to some financial dispute with Ved Parkash and Jai Kishan, sons of Arjan Dass, in respect of their rice sheller business of firm M/s Arjan Rice Mills, Pehowa Road, Cheeka. It is further alleged that 3, 4, 5 May, 2012, all accused alongwith 40/50 commission agents in order to harm the prestige and reputation and lower down morale and intellectual character of complainant and his family members, installed a tent in front of resident of complainant and sat on dharna on the pretext that they have grabbed Rs. Ten crores of commission agents. During these three days, business premises of complainant, Suresh and his sons remain

closed and even school going children could not attend the school. All

accused persons forcibly occupied toilet, bathroom of house of complainant, situated in front portion and did not allow them to use same. Accused No. 1 got lodged a false FIR No. 48 dated 8.5.2012 under Section 420 IPC at Police Station Cheeka, against complainant and others by levelling false and scandalous allegation, which was later on found to be false and FIR against complainant and others was cancelled. Accused also published news item on 6.5.2012 in various newspapers, levelling scandalous and false allegations against complainant and others.

After recording preliminary evidence, all accused were summoned to face trial.

After recording pre charge evidence of complaint and accused were charge-sheeted under Section 500 IPC, to which they pleaded not guilty.

After recording the statements of complainant and defence, trial Court came to conclusion that allegations of defamation are not proved. Accordingly, accused were acquitted of charge framed against them.

I have heard learned counsel for applicant and have also carefully gone through file.

The allegations of defamation of complainant and others pertain to May, 2012. Complaint was filed one year later in May, 2013. The allegation are primarily on four counts; First, is allegation of complainant have some financial dealing with firm M/s Arjun Rice Mills, Pehowa Road, Cheeka, Second, is installing tents in front of house of complainant and holding a dharna, Third, is lodging FIR under Section 420 IPC and Fourth, is publication of news item in different newspapers in May, 2012.

So far as holding of dharna is concerned, that may amount to a wrong, for which there is no complaint. Accused were claiming that complainant is having financial dealings with said firm and some of their money amounting to Rs. Ten crores have been misappropriated. Accused No. 1 has right to lodge FIR and if complainant is found innocent during investigation, he can claim compensation. News item shows that some news items were carried out in various newspapers, which according to trial Court is covered under freedom of speech and does not amount to defamation.

Considering the fact that complaint was filed after one year and findings recorded by trial Court, in which trial Court has taken one of two possible views, there is no ground to grant leave to appeal. Accordingly, application is dismissed.

(KULDIP SINGH)
JUDGE

31.10.2018
sjks

Whether speaking order : Yes / No

Whether reportable : Yes / No