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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.L.P. 441/2018**

SEEMA

..... Petitioner

Through: Mr. Vivek Sharma, Mr. Manoj Tomar
& Mr. Neeraj Kumar Sharma,
Advocates

Versus

RAMESHWAR DAS & ORS

..... Respondents

Through: Mr. Tarang Srivastava, APP for State

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

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14.11.2018

CRL.M.A. 12570/2018

Exemption allowed, subject to all just exceptions.

The application stands disposed off.

CRL.L.P. 441/2018

The petitioner seeks leave to appeal against the impugned order dated 26.04.2018 acquitting the respondents/accused of offences under Sections 500/34 IPC.

It is the petitioner's case that her fair name was maligned by a publication in Punjab Kesari, a daily published in Ambala on 09.03.2014 on the basis of statements made by the respondents, in particular, Mr. Rameshwar Das, respondent No. 2. The petitioner filed a complaint after over 18 months of the alleged publication and there was no explanation

for the said delay especially if she was aggrieved immediately upon the said publication. The learned Trial Court has reasoned as under:

“20. It is seen that an inquiry was directed to be conducted by SHO Najafgarh u/s 202 Cr.P.C. The inquiry report was filed by SHO Najafgarh bearing the date 08.03.2016. In the said inquiry report, it is stated that the said news was published in Punjab Kesari in Ambala edition on 09.03.2014 through reporter Jatin. The said news was published by reporter Jatin. No payment was made for publishing the news nor there was any intention to defame any particular person. On the other hand, Smt. Rajrani wife of Rameshwar Dass stated that her daughter Tina wife of Narender went missing on 06.03.2014. Her husband(husband of Raj Rani) filed a complaint to SHO, PS Ambala Sadar. The said inquiry report is also accompanied with further report bearing the signatures of Ravinder, Shanti Bhushan, Jagadri Road, Ambala Cantt. Haryana on behalf of Punjab Kesari wherein it has been stated on behalf of the said newspaper that on dated 09.03.2014, in Ambala Kesari newspaper a report regarding missing of a daughter was made to the police, it was reported in the said newspaper, covered by reporter Jatin when the complainant Rameshwar was present in the PS. This news was not published at the instance of any particular person, nor it was an advertisement. The said news was published in the newspaper on the basis of complaint made at PS Ambala Sadar.

21. I have given my thoughtful consideration to the deposition led on behalf of complainant as also on behalf of the accused^persons and the inquiry report conducted u/s 202 Cr.PC also. I find that the present complaint is result of due deliberation and consideration on the part of the complainant to harass and bring the accused persons on their knees so that, their daughter Tina succumb to their pressure and to withdraw the cases filed by her against Narender-brother of the complainant and husband of Tina. Otherwise, there was no reason as to why the present complaint has been filed after a lapse of 1½ years.

Furthermore, the complainant improved herself a lot while deposing as CWI in after notice evidence. The complainant has examined only her relatives/Interested persons. Various matrimonial disputes are pending between brother of the complainant at one hand and the accused persons including Tina either at Ambala, at High Court or at Dwarka Court also. There is no explanation given in the entire complaint with regard to the delay in filing the present complaint. Moreover, from the inquiry report u/s 202 Cr.PC done by SHO, PS Najafgarh, it stands established that it were not the accused persons or particularly Rameshwar Dass that who had made any defamatory statement or news against the complainant. Admittedly, when Tina was not found after lapse of few days, Rameshwar Dass alongwith other persons staged a dharna in front of PS Sadar Cantt. The said incident was covered by local media and subsequently the news in question was published in the newspaper Ex. CWI/A but from the inquiry report, it stands established that these were not the accused persons who gave any such report to the reporter or paid for it. Some reporter on his own covered the incident of staging a dharna and published the news in the newspaper Ex. CWI/A. Therefore, the complainant has failed to prove on record satisfactorily that it were the accused persons who made defamatory statement in the newspaper Ambala Kesari dated 09.03.2014 Ex. CWI/A. Editor of Newspaper Punjab Kesri, Ambala Edition, not made party to the case, for the reasons best known to the complainant. Not only this, the complainant has not assigned specific roles of the accused persons as to in which manner, they imputed defamatory statement qua the complainant.

22. In view of the above, it is held that complaint of the complainant is groundless, there is no substance therein, it suffers from malice qua the accused persons with due deliberations and concoctions since already the brother of the complainant is in litigation with accused persons of

various natures. Hence, the complaint of the complainant is hereby dismissed and accused persons are acquitted for the offence u/s 500/34 IPC.”

What emerges from the above is that Mr. Rameshwar Das had contested the claim that he had ever given any statement or information to the journalist, Mr. Jatin or to the publishing house. Therefore, the accusation against him was unfounded. Neither the reporter/journalist, Mr. Jatin, nor the Publisher/Punjab Kesari were arrayed as the offenders by the complainant, and therefore, her accusation against respondent No. 2 would not be proven as she has chosen not to proceed against them.

In the circumstances, the impugned order had rightly concluded that in the absence of the reporter and the publisher being arrayed as parties, no case could well have been proven against Mr. Rameshwar Das.

There is no reason to interfere with the impugned order. The petition is without merits and is accordingly dismissed.

NAJMI WAZIRI, J.

NOVEMBER 14, 2018
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