

**HONOURABLE DR. JUSTICE B. SIVA SANKARA RAO**

**CRIMINAL PETITION No.1126 of 2009**

**ORDER:**

The petitioner is A.2 among 2 accused in CC.No.1764 of 2007 outcome of the private complaint filed by the 2<sup>nd</sup> respondent for the offence punishable under Section 500 r/w 34 IPC that was taken cognizance by the learned VIII Additional Chief Metropolitan Magistrate, Hyderabad, impugning the same the present quash petition is filed.

2. Notice sent to the 2<sup>nd</sup> respondent-defacto complainant and the registered cover of return notice shows unclaimed by the 2<sup>nd</sup> respondent is a sufficient service and the track record also substantiates the same is a sufficient service thereby taken as heard the complainant and heard learned counsel for the petitioner and learned Public Prosecutor representing the 1<sup>st</sup> respondent State and perused the material on record.

3. The complainant is according to her own complaint working as head nurse in a private clinic at KB Road, Hari Bowli since 5 years and from 1983 she was serving in various hospitals as sister having been trained including for family planning advisor and also rendering services to needy and poor for their ill-wealth free of cost being kind hearted with faith in god in providing free medical aid in slums and bastis of old city thereby they are calling as Doctor Amma and respects a lot. While so on 13.02.2000 A.1 married to LW.2-Solman Raj son of the complainant-V. Amrutha W/o late Narayana which is with no dowry and she bore all the marriage expenses and after marriage A1 started living at complainant's house at Rajeev Gandhi Nagar, Arundati Colony,

Uppuguda, Hyderabad, she slowly developed illegal intimacy with A2 and in the absence of complainant, A2 was coming to the house of the complainant and on came to know through neighbours many time LW.2 advised A1 not to do such unsocial acts and to behave properly with him but A1 never cared about them and developed illegal intimacy with A2 and also beget a girl child through him as proclaimed by A1 and A2 including before LW.2-husband of A1. While so, on 21.07.2005 in a pre planned manner Sarita-A1 called A2-Sreenarayana and other unknown persons to see the end of the complainant and her son LW.2 at their house and the complainant reached the house by 7.00 PM and entered the gate, A1 came from behind with iron rod and tried to close and lock the gate when heard the complainant whispering noise from inside vachindi patkondi ra, she ran out of the house to save life having went to concerned police as it was night police did not take her complaint by saying they are busy with bandobust, since then complainant and her son-LW.2 are residing in a separate house by leaving their house where A1 was staying without any right at the support of A2. All the jewellery, cash, documents etc., in the house lying in Almirah under lock taken illegally by A1 and later complainant filed civil suit OS.No.2431 of 2005 before learned VII Senior Civil Judge, CCC, Hyderabad, and obtained injunction order on 03.01.2006 and A1 with the active support of A2 misusing the documents, certificates and photographs having broke open Almirah and committed theft of the same and tried to sell away jewellery and misusing the cash and valuables. On 01.10.2007, A1 with the support of A2 published defamatory imputation statement against the complainant in Andhra Jyothi

Telugu daily newspaper by caption 'Ayyamma Ayyindi Doctoramma' to cause damage to her reputation as the complainant is respectable lady in the society having good respect and name and fame in public. In the publication with the above caption it is mentioned name of the woman as Amrutha worked as Aaya in the hospital might have thought, should I always do this job only? cannot I earn more? She had took the role of a lady doctor, she arranged a board, Dr. Amrutha in front of her house, doing treatment and the story of the Doctor @ Aaya. It is averred that the complainant never worked as Aaya nor as Doctor but doing job of head nurse in a private clinic at Hari Dowli, KB Road, Hyderabad, under Doctor Mohd. Yousuf Ali Baig-LW.3 and she never arranged such board. She left the house in the year 2005 and since then residing at separate house at Hari Bowli. It is the accused that might have arranged the board by mis using the photographs, ID card and documents in the absence of complainant in her house. Further the Aaya in the role of lady doctor, identity card with different particulars playing with patients, the machineries which are not responding in spite of making complaints, police officer rescuing her, which false statement published by accused in the newspaper caused serious stress mental agony and pain and damaged complainant's reputation in public as the complainant doing her service since 1983 for which experience certificate issued by concerned hospital where complainant worked, Princess Durru Shehvar Children's Hospital, Out Patient Clinic and Community Health Centre on 22.11.1993. In the year 1995 complainant undergone training program in Health and Family Planning Welfare for 4 days from

09.01.1995 to 13.01.1995 and the Family Planning Association of India, Hyderabad branch issued certificate. In 2001 District Aids Control and Prevention Committee Hyderabad issued certificate to her for attending a sensitization workshop/training on HIV/AIDS on 20.03.2001 held at DLC Hyderabad Urban. The complainant is having 25 years experience as sister and never worked as Aaya nor behaved as a Doctor but many times rendered her services to the poor and needy and never played with anybody's life as alleged by accused in the paper publication and no police personnel is relative to her. She came to know that about the paper publication by Sri Karan LW.4 that was published on 01.10.2007 supra when she was out of station and after her arrival the above witness informed having enquired about it and it is a false story intended to defame in the eye of general public and wherever she is going people are passing comments on her and undergone mental agony and stress because of the defamatory imputation published by A.1 and A.2 in the newspaper. The complainant also fallen ill and undergone treatment in this regard. The accused are using various methods to reach their illegal goals in causing damage to the reputation of the complainant in the eye of the public. A.2 is character less person having 3 major children and his wife filed criminal proceedings against him and A1 for the offence of bigamy which is pending and also filed maintenance case in Family Court, Hyderabad, against him.

4. The contentions in the quash petition impugning the cognizance order from said averments with any sworn statement, is that the petitioner-A2 is innocent and the allegations against him are untrue and falsely implicated in the private complaint for

alleged defamation and even on the face value of allegations taken as true no offence made out. The petitioner-A2 in fact given police complaint against the complainant herein covered by crime No.80 of 2007 of Chatrinaka Police Station for the offences punishable under Sections 420, 468 & 471 IPC. Neither the editor nor the publisher made as party to the complaint. One Narender who gave the complaint to the Director, Medical and Health Services stating the complainant was working as helper in Princess Durru Shehvar Children's Hospital and she has not completed matriculation even and she started practicing as Doctor, the complainant herself claims as Doctor Amrutha and was printed in the wedding invitation of her son and thereby the proceedings are liable to be quashed.

5. In the additional material filed by the quash petitioner, it shows the certificate issued by Princess Durru Shehvar Children's Hospital on 04.06.1992 of the income of the complainant Amrutha as helper working in the hospital on salary of Rs.300/- per month. The Xerox copy of the wedding invitation with A1 Sarita dated 13.12.2000 she referred as Dr. M.Amrutha and in the complaint given by Narender to the Director, Medical and Health Services dated 21.06.2006 with signatures of others even he referred about she is making bogus claim as if Doctor Amrutha though not a Doctor. The paper publication shows the complaint of said Narender an advocate referring to the facts. Leave about the so called name board admittedly there in the house which the complainant claims she and her son came out and A.1 occupied at the support of the A2 and they are continuing illegal relationship or they might have inserted the board at the house, the wedding

invitation cause printed her name as Doctor M. Amrutha whereas the hospital certificate mentions as she is working as helper only and said Narendra complaints to Director, Medical and Health shows Amrutha claiming as Dr. Amrutha falsely and bogusly. Once such is the case, even taken for arguments sake it is the publication outcome from any of the accused, truth is a defence and no way constitutes the defamation and there is no dispute on the document covered by the marriage invitation of the son of the defacto complainant with A1 where printed her name as Dr. Amrutha by her appearing and contesting the matter she did not even choose to appear in the quash petition from the notice returned as unclaimed.

6. Having regard to the above and in the result, this Criminal Petition is allowed by quashing the proceedings for no grounds to sustain the cognizance order of the learned Magistrate for the offence of defamation against the petitioner/A2 in CC.No.1764 of 2007.

Pending miscellaneous petitions, if any, shall stand closed.

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**JUSTICE Dr. B.SIVA SANKARA RAO**

Date: 18.03.2019  
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