

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-A-102-MA-2018
DATE OF DECISION:-26.02.2019

SWAMI SADANAND

...APPLICANT...

V.

ARVIND MEHTA AND ORS.

...RESPONDENTS...

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. A.S. Manaise, Advocate,
for the applicant.

RAMENDRA JAIN, J. (ORAL)

Through this application under Section 378 (4) Cr.P.C, prayer has been made by the complainant/applicant for grant of special leave to file the accompanying appeal.

In nutshell, applicant filed a complaint against respondents (14 in number), under Sections 500, 149 and 120-B IPC, on the allegations that on 19.07.2003, they passed resolution leveling false accusation against the applicant using defamatory and derogatory language against him and his Guru Swami Sarvanand, which after holding trial was dismissed by the trial court vide impugned judgment dated 13.11.2017.

Learned counsel drawing attention of this Court to some part of resolution mentioned in para 7 of the application, urged that the trial court has failed to appreciate that the above wording in the resolution dated

19.07.2003 has defamed the applicant and lowered down his reputation in

the society.

Having given thoughtful consideration, this Court finds instant application completely devoid of any merit for the reasons to follow:-

The wording of resolution dated 19.07.2003 mentioned in para 7 of the application is reproduced as under for ready reference:

“This meeting has been held on account of present circumstances prevailing at present about the anti-social and immoral activities of Sada Nand, Swami Dayanand Matth, Dinanagar. Swami Sarvanand has grown very old and is hard of hearing. He simply depends on the report of Sadanand, who is an undesirable fellow. His immoral deeds are published in newspapers and on television also. Swami Sarvanand verbally requested many times about evil deeds of Sadanand but he is not prepared to listen anything against him. So swami Ji is not in any way fit to remain as President of the Institution. So we are sorry to take the decision of removing him from Presidentship and Membership (Primary) as well as to save the interest of the school and check the evil deeds of Swami Sadanand. It is burning topic in public that one Sh. Chandershakher at Dayanand Matth, Dinannagar is a co-sharer of Sadanand and Swami Sarvanand is knowingly ignoring the activities of these two persons.

All the members are of the opinion that continuance of Swami Sarvanand as President of the institution is not in the interest of the school. As such Swami Sarvanand has been removed from President-ship and Primary membership also of SS DAV Public School Awankha, Dinanagar.”

The above wording do not suggest casting of any insinuation

against the applicant, which ought to have lowered down his reputation in the society.

The irresistible conclusion which can only be drawn from the aforesaid wording is that the current affairs of the public charitable trust were discussed in the meeting of members of the School Committee run by trustees, without casting any specific aspersion against the applicant.

I have gone through the judgment and find no illegality and infirmities in the same. As such the same is upheld and instant application is dismissed.

26.02.2019
sonika

(RAMENDRA JAIN)
JUDGE

whether speaking/reasoned:
whether reportable:

Yes/No
Yes/No