

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of Order: January 07, 2019

+ CRL.M.C. 31/2019 & CrI.M.A. 115/2019

SIDDHARTH RAJKONWAR Petitioner

Through: In person with Advocate
(appearance not given)

Versus

MEESHA ARORA Respondent

Through: Nemo.

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

1. Petitioner's complaint for defamation has been dismissed by the trial court while observing that though the complaint is true narration of facts, but it does not contain defamatory words. The Revisional Court has upheld trial court's order and dismissed petitioner's complaint for defamation.

2. The challenge to impugned order is on the ground that respondent's complaint of 9th November, 2013 to police is defamatory. Attention of this Court is drawn to RTI reply (*Annexure P-3*) to point out that from respondent's complaint, no cognizable offence is made out.

3. Petitioner's counsel has drawn attention of this Court to paragraph No.54 of trial court's order to point out that trial court has prematurely presumed that the facts narrated by respondent are true. It is pointed out that the protection of Exception 8 to Section 499 IPC is available to the

accused but the Revisional Court has erroneously tried to bring this case under the aforesaid exception. It is pointed out by petitioner's counsel that revisional court has recorded a finding in paragraph No.12 of the impugned order to the effect that the overall circumstances created by the petitioner were uncomfortable and scary for the respondent. It is pointed out that respondent's e-mail has been taken to be gospel truth, without there being any trial in the defamation case.

4. Upon hearing and on perusal of the complaint, I find that the contents of complaint of 9th November, 2013 are not defamatory and so, trial court has rightly dismissed petitioner's complaint for defamation and the revisional court has upheld it. However, it is made clear that any observations made in the impugned orders shall not be taken as a reflection on merits against petitioner.

5. With aforesaid clarification, this petition and application are disposed of.

(SUNIL GAUR)
JUDGE

JANUARY 07, 2019

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