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

**Decided on: 29<sup>th</sup> January, 2019**

**+ CRL.M.C. 2698/2016**

**O P AGGARWAL**

**..... Petitioner**

Through: **Mr. Bikash Vishwakarma, Advocate**  
with petitioner in person.

versus

**STATE (GOVT. OF NCT OF DELHI) & ORS..... Respondents**

Through: **Mr. Sanjeev Sabharwal, APP for the**  
**State**

**Mr. Ankit Aggrawal, Advocate for**  
**R-2.**

**Mr. Rahul Tyagi, Advocate with**  
**Ms. Mahima Deepak, Ms. Roopali**  
**Wadhwan, & Ms. Kanika Jain,**  
**Advocates for R-3.**

**CORAM:**

**HON'BLE MR. JUSTICE R.K.GAUBA**

**ORDER (ORAL)**

1. The petitioner's son had been married to the second respondent on 15<sup>th</sup> August, 2007. On 31.05.2010, the second respondent lodged first information report (FIR) No.88/2010 alleging offences punishable under sections 498-A/406/34 of the Indian Penal Code, 1860 (IPC) with CAW Cell having been committed against her by the persons against whom the said accusations were made, including the petitioner herein. The investigation was completed and report (charge sheet) under Section 173 of the Code of Criminal Procedure, 1973 (Cr.P.C.)

was submitted on which the Metropolitan Magistrate took cognizance summoning, amongst others, the petitioner as accused. It may be added here that the son of the petitioner had absconded and was declared a proclaimed offender on 29.08.2011 in the said criminal case.

2. On 17.02.2013, the second respondent gave an interview to the third respondent, whereby a video footage was telecast on the television channel network in which the latter was employed. Terming the utterances made and images/captions shown in the said interview telecast on the said TV channel to the public at large to be defamatory, the petitioner herein instituted a criminal complaint case (CC No.89/2013) seeking prosecution of the second and third respondents, besides parents of the second respondent, and the chief editor of the news channel in which the third respondent was a reporter. On the basis of preliminary inquiry under sections 200/202 Cr.P.C., the Chief Metropolitan Magistrate found grounds to proceed against the second and third respondents, as indeed against the chief editor of the news channel, besides the anchor of the programme, thus, summoning them to answer accusations of the offence under Section 500 read with Section 34 IPC.

3. The aforesaid order of the Metropolitan Magistrate was assailed by the second and third respondents in the court of sessions by criminal revision petition Nos. 157/2016 and 112/2016. The revisional court, by order dated 19.05.2016, held that no case of defamation against the said persons as well as the chief editor of the news channel

had been made out and in reaching the said conclusion it, *inter alia*, noted that the petitioner (the complainant of the case) had not been named, no specific individual or family having been referred to, the remarks to which exception was taken not to be construed as an attack on reputation. As a result of the order dated 19.05.2016, the proceedings in the criminal case were drawn to a close.

4. Feeling aggrieved, the present petition was filed assailing the order of the revisional court to above effect.

5. After some hearing, it has been conceded by the learned counsel representing the second and third respondents that the revisional court has not considered the material on record in entirety, particularly the contents of the video footage, which was presented in the form of compact disc (CD), but not even looked into, nor commented upon, so as to verify the correctness or otherwise of the submissions made to the effect that there has been no reference made, not even an oblique one, to the petitioner in the entire telecast. In view of the above, it is clear that the revisional court's order is perverse and cannot be allowed to stand.

6. In these facts and circumstances, this court agrees with the submissions on the both sides that the impugned order of revisional court be set aside and the matter be remitted to the revisional court for fresh consideration and fresh adjudication after hearing all sides and taking into consideration the material on record in entirety. Ordered accordingly.

7. Consequent to the above, the proceedings in the revisional court on the petition of second and third respondent stand revived. They shall be taken up for further proceedings in accordance with law by the said court on 27<sup>th</sup> February, 2019. Parties to appear accordingly.

8. In the given facts and circumstances, it is also desirable that the proceedings in the court of Metropolitan Magistrate be kept in abeyance till the revisional court takes decision. Ordered accordingly

9. The petition stands disposed of in above terms.

**R.K.GAUBA, J.**

**JANUARY 29, 2019**

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