

THE HON'BLE JUSTICE G.SRI DEVI

CRIMINAL PETITION No.7606 of 2019

ORDER:

The petitioner is accused No.1 among two accused in CC.No.1764 of 2007 outcome of the private complaint filed by the 2nd 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, and impugning the same the present quash petition is filed.

2. In spite of service of notice on respondent No.2-de facto complainant, none appeared on her behalf.

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 and providing free medical aid in slums and bastis of old city, thereby she is called as 'Doctor Amma' and respects her 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 coming to know through neighbours, many times 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 begot 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 with the support of A2. All the jewellery, cash, documents etc., in the house lying in Almirah under lock were illegally taken 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 misused 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, 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 misusing 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 hospitals 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 went for 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 her in the eye of general public and wherever she is going people are passing comments on her, due to which she suffered 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 characterless 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, which is sworn by the petitioner-accused No.1, is that the petitioner-A1 is innocent and the allegations against her 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. Learned counsel for the petitioner-accused No.1 placed before this Court the order dated 18.03.2019 passed by this Court in Criminal Petition No.1126 of 2009, whereby the proceedings in C.C.No.1764 of 2007 on the file of the learned VIII Additional Chief Metropolitan Magistrate, Hyderabad, against the petitioner therein-accused No.2 was quashed. He has also drawn the attention of this Court to para-5 of the said order which is as under:

“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 A1 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 Narender 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.”

6. For the reasons alike as were mentioned in the aforesaid order passed by this Court in Criminal Petition No.1126 of 2009 and as there are no grounds to sustain the cognizance order of the learned Magistrate for the offence of defamation, this Criminal Petition is allowed by quashing

the proceedings against the petitioner/A1 in CC.No.1764 of 2007 on the file of the learned VIII Additional Chief Metropolitan Magistrate, Hyderabad,.

7. Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE G.SRI DEVI

11th February, 2020
dr

