

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-10498-2021(O&M)
Date of decision: 22.03.2021

Capt. Balbir Singh

...Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Amardeep Sheoran, Advocate for the petitioner.

HARNARESH SINGH GILL, J.

Challenge in the present petition is to the orders passed by the Courts below, whereby the complaint filed by the petitioner under Sections 499/500/120-B IPC, has been dismissed.

Learned counsel appearing for the petitioner argues that while passing the impugned orders, both the Courts below did not take into consideration that specific averments made in the said complaint, which had not only disclosed the offence of defamation against the respondents, but also a criminal conspiracy hatched by them in order to bring a disrepute to the petitioner.

I do not, however, find any merit in the submissions made by the learned counsel for the petitioner.

The learned trial Court, while dismissing the complaint filed by the petitioner, on the basis of the evidence led by the complainant in support of the averments made in the complaint, had found that no prima-facie evidence of conspiracy was either alleged or made out and the matter did not fall within the definition of defamation because if an imputation was made on the character of a person in a good faith regarding the protection of the interests of the person making it or any other person or for a public good, it could not be said that the offence of defamation was made out. The learned trial Court concluded to the following effect:-

“12. In the present case, complainant has alleged that he was defamed by announcement of proposal in the grievance committee of Panchayat by accused. However, when any accusation is made against any person having lawful charge over that person, it would not amount to the defamation. Accused had apparently moved a resolution being the Sarpanch of Village Raliawas. It is alleged that on account of announcement of said resolution, reputation of the complainant has been lowered in the eyes of villagers, however, all the witnesses examined by complainant have stated that there was no truth in the allegations made in that resolution and they hold complainant in very high regard. None of the witnesses examined by the complainant have stated that reputation of complainant has been lowered in their eyes. Further, complainant has stated that signatures of villagers were forged by accused persons on the resolution dated 12.06.2016, but commission of offence of forgery has not

been alleged. There is not even a single averments regarding Section 465 IPC. Complaint is only under Sections 499 and 500 IPC. Moreover, apart from accused No.1 Chabila Ram to no specific alleation against any other accused has been levelled. There is no prima facie evidence of conspiracy as has been alleged in the complaint. The present matter does not fall into the definition of defamation because if an imputation is made on the character of a person and if that imputation is made in good faith regarding the protection of the interest of the person making it or any other person or for a public good. Resolution was passed by the Sarpanch of village for the welfare of villages of village Raliawas. Defamation is injury to reputation and reputation consists in the opinion/estimation of other person who had earlier held him to be a man of good reputation. As has already been dismissed above, none of the complainant's witnesses have said that reputation of complainant has been lowered in their eyes. The demeaning of a person in his own opinion is not defamation.”

In the revision petition filed against the said order, the aforesaid findings recorded were upheld by the learned Additional Sessions Judge, Rewari.

The findings recorded by the Courts below do not suffer from any perversity. This Court, while concurring with the said findings, too finds that no offence under Section 500 IPC is made out as none of the ingredients of Section 499 IPC is fulfilled. The averments made in the complaint

coupled with the documentary and oral evidence produced by the complainant as noticed in the orders passed by the Courts below, if seen in conjunction, would make it apparently clear that no disrepute had been brought to the petitioner. Similarly, the offence under Section 120-B IPC is also not made out, as criminal conspiracy was neither pleaded nor proved.

In view of the above, finding no merit in the present petition, the same is hereby dismissed.

(HARNARESH SINGH GILL)
JUDGE

22.03.2021

ds

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No