

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

**CRM-A No.2684 of 2019
Date of Decision: 06.09.2022**

Mamta Rani & another

.....Applicants

Versus

Gurmeet Singh

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present:- Mr. Inderjeet Singh, Advocate,
for the applicants.

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MEENAKSHI I. MEHTA, J.

Feeling dis-satisfied with and aggrieved by the judgment dated 20.09.2019 handed down by learned Sub Divisional Judicial Magistrate, Naraingarh, Ambala (for short 'the trial Court') qua the acquittal of the respondent-accused (here-in-after to be referred as 'the accused') in the Criminal Complaint Case bearing No. Comi/631/2014 titled as '*Smt Mamta Rani etc. vs Gurmeet Singh*', as preferred by the applicants-complainants (here-in-after to be referred as 'the complainants') against him (accused) under Sections 499 and 500 IPC, the complainants have moved the present application for seeking leave to prefer the appeal (annexed herewith) to lay challenge to the said judgment.

2. Shorn and short of unnecessary details, the facts culminating in the filing of the instant application, are that the complainants filed the

afore-said complaint case against the accused, alleging therein that he (accused) owed a sum of Rs.5,60,000/- to the husband of complainant No.1. On 04.12.2013, the accused, along-with Usha and Anil Kumar, gave beating to her (complainant No.1) and on her raising an alarm, her son, i.e complainant No.2, reached at the spot and saved her from the above-named assailants. Thereafter, in order to save his skin, the accused got DDR No.20 dated 05.12.2013 entered at the Police Station levelling allegations therein to the effect that complainant No.1 had manhandled him as well as the afore-said persons and she had also snatched the amount of Rs.01 (one) lac and the gold chain from him. Subsequently, during the enquiry, the above-said allegations were found to be false and the 'Calandera' (report) had been presented against the accused under Section 182 IPC, on this count and he stood convicted therein and thus, the accused had defamed them (complainants) by levelling the false and baseless allegations against them.

3. I have heard learned counsel for the applicants-complainants, at the preliminary stage, in the present application and have also perused the file carefully.

4. Learned counsel for the applicants has contended that the accused had got the afore-mentioned DDR registered/entered against the complainants but the allegations, as levelled by him therein, were found to be false and hence, the proceedings under Section 182 IPC had also been initiated against the accused on this score wherein he has already been convicted and in these circumstances, it becomes explicit that the

accused had also committed the offence defined under Section 499 IPC and punishable under Section 500 IPC by defaming the complainants but vide the impugned judgment, the trial Court has erroneously dismissed the criminal complaint case, as filed by the complainants against him under the said provisions.

5. However, I do not find the above-raised contention to be tenable at all because though, in the enquiry conducted by the police in respect of the said DDR, the allegations, levelled therein by the accused against the complainants, were reported to have been found to be false/ baseless and he (accused) has also been convicted by the concerned Court in the ‘*Calandra*’ presented against him under Section 182 IPC on the said ground but however, it has categorically been observed by the Co-ordinate Bench in **Darshan Singh vs. Avtar Singh Criminal Misc. No. 17073-M of 2000 decided on 29.11.2001** that “*where the accused was acquitted in a criminal complaint, no offence of defamation was made out against the person who lodged the complaint and also against the witnesses, merely because the Magistrate did not find the accused guilty*”. These observations are fully applicable to the present case.

6. Seen from yet another angle also, it has specifically been mentioned in the impugned judgment that besides their own depositions, the complainants did not examine any other witness to corroborate their version regarding their reputation/image having been lowered down in his/her estimation on account of the afore-mentioned DDR as entered at the instance of the accused.

7. To add to it, the trial Court has also observed in Para No.13 of the impugned judgment that as per the version of the complainants themselves, the accused had got the above-said DDR registered/entered in order to save his own skin from the legal action and it was not their (complainants') case that the false allegations had been levelled therein (DDR) by the accused to cause harm to their reputation/image.

8. As a sequel to the fore-going discussion, it follows that the impugned judgment does not suffer from any illegality, irregularity, infirmity or perversity so as to call for any interference by this Court. Resultantly, the application in hand as well as the appeal annexed therewith stand dismissed accordingly.

September 06, 2022

(MEENAKSHI I. MEHTA)
JUDGE

seema

<i>Whether speaking/reasoned:</i>	<i>Yes</i>
<i>Whether Reportable:</i>	<i>No</i>