

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

CRM-M-6326-2018

Date of Decision:-20.07.2023

Ravinder Khanna.

.....Petitioner.

Versus

Mamta @ Raman & Ors.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Ashish Aggarwal, Advocate for the Petitioner.

JASJIT SINGH BEDI, J.(ORAL)

The prayer in this petition under Section 482 Cr.PC is for quashing of the order dated 20.04.2017 (P-1) passed by JMIC, Amritsar in complaint case No.174/3160/2013 titled as Ravinder Khanna & Ors. Vs. Mamta @ Raman & Ors. wherein the complaint filed by the petitioner has been dismissed and the order dated 23.10.2017 (Annexure P-2) whereby the revision filed by the petitioner/complainant has also been dismissed by the Court of Sessions Judge, Amritsar.

2. The brief facts of the case are that the instant complaint came to be filed by the petitioner and his co-complainants Smt. Nirmala Khanna and Ms. Pinky Khanna with the allegations that the respondent/accused had filed a false and frivolous criminal complaint against the complainant party. The Court had issued summons to the complainant party in the said complaint. They had been granted the concession of anticipatory bail.

Thereafter they had filed a petition under Section 482 Cr.PC for quashing of

the said complaint and the same was quashed. In the said complaint, the accused/respondents in connivance with each other had got recorded false statements in their preliminary evidence which amounted to the commission of offences under Sections 500 read with Section 499 IPC.

Based on the evidence led, the court of JMIC, Amritsar dismissed the complaint vide order dated 20.04.2017. A copy of the said order is attached as Annexure P-1. Aggrieved by the said order the complainant filed a revision petition which met the same fate and was dismissed by the Court of Additional Sessions Judge, Amritsar vide order dated 23.10.2017. A copy of the judgment is attached as Annexure P-2.

3. The aforementioned judgments are under challenge in the present revision petition.

4. The Counsel for the petitioner (one of the complainants) contends that the impugned orders have wrongly been passed. In fact, the respondent/accused had filed a false and frivolous complaint against the complainant party and had made incorrect statements in their preliminary evidence. Therefore, the offence had been *prima facie* committed by the respondents for which they were liable to be summoned and tried in accordance with law.

5. I have heard learned Counsel for the petitioner and perused the paper book.

6. A perusal of the facts would show that the only basis for filing of the instant complaint was that the respondent/accused had filed a complaint under Section 406, 498-A IPC titled as Mamta Vs. Nirmala & Ors. in which the present complainant party had been summoned. The said complaint had been quashed by this Court and, therefore, the allegations of defamation were levelled by the petitioner-complainant party. It may be

relevant to mention here that the complainant is required to prove that the imputation were made by the accused in public and due to the said imputation the esteem of the complainant party was lowered in the eyes of the public. In the instant case as has already been pointed out, a perusal of the complaint would reveal the imputation if at all were made in court and not in public. By no stretch of imagination can it be held that imputations made in court would amount to defaming of the accused. Further this Court while quashing the complaint had nowhere held that the said complaint had been filed with a view to defame the present complainants. It appears that the instant complaint has been filed to give a criminal colour to a family civil dispute. Even otherwise the complaint in the present case is time barred in terms of Sections 468 and 469 Cr.PC.

7. In view of the aforementioned discussion I find no reason to interfere with the impugned orders dated 20.04.2017 (Annexure P-1) and 23.10.2017 (Annexure P-2) and therefore, the present petition stands dismissed.

(JASJIT SINGH BEDI)
JUDGE

July 20, 2023
Vinay

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No