

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

201

**CRM-M No.2064 of 2014 (O&M)
Date of Decision: 05.03.2024**

DHANI RAM & ANR**.....Petitioner(s)****Vs****OM PARKASH****...Respondent(s)****CORAM: *HON'BLE MR. JUSTICE HARKESH MANUJA***

Present: Mr. Karan Pathak, Advocate
for the petitioners.

Mr. Subhash Godara, Advocate
for the respondent.

HARKESH MANUJA, J. (Oral)

[1]. By way of present petition filed under Section 482 Cr.P.C., prayer has been made for quashing of criminal Complaint No.COMI No.10744 of 2013 as well as summoning order dated 26.04.2011 passed by the Judicial Magistrate Ist Class, Hisar, whereby the petitioners were summoned to face trial for the offence punishable under Section 500-II read with Section 34 IPC besides order dated 04.01.2014 passed by the Revisional Court, upholding the same.

[2]. Briefly stating, as an offshoot of some property dispute between the parties, a complaint under Section 156(3) Cr.P.C. was filed at the instance of petitioners against respondent and three others, resulting into registration of FIR No.195 dated 29.03.2011 under Sections 420/467/468/471/120-B IPC at Police Station Civil Lines, Hisar. The registration of the aforementioned FIR came to be published on 31.03.2011 in two newspapers namely Hisar Bhaskar and Dainik Jagran. The contents of the two news items are reproduced hereunder:-

“News item published in Hisar Bhaskar

“In fraud case, four involved including Congress leader. Hisar, The police has registered case under different sections including fraud against Congress leader Dabra Chowk resident Maman Chand Verma,, his son Rajinder Kumar, Bhagat Singh of Urban Estate and Om Parkash resident of Sector 15. The police has commenced search of the accused. As per police, Dhani Ram resident of Sector 14 Faridbad had given complaint to the police stating that four in conspiracy and playing fraud has by getting transferred his plot has caused loss of about Rupees three lacs. He had got the sale deed registered here in Tehsil Compound.”

News item published in Dainik Jagran

“Case registered against four for forged sale deed.

Hisar, Jagran correspondent. The police has registered against four persons for selling the land by forging sale deed, for committing fraud. Faridabad resident Dhani Ram has given complaint to the police that two years earlier, he had purchased one plot from Dabra Chowk resident Maman Chand, and for this he had given Rs.three lacs. The allegation is that Maman Chand, his Rajinder, Urban Estate resident Bhagat Singh and Sector 15 resident Om Parkash in conspiracy got made forged sale deed of plot. On coming to know he made complaint to the police.”

[3]. Aggrieved by the publication of the aforesaid two news items, the respondent filed a complaint under Sections 499/500/34 IPC against the petitioners before the *Illaq*a Magistrate of having defamed him wherein the petitioners were summoned vide order dated 26.04.2011. The said order was assailed before the First Revisional Court, however the same was dismissed vide order dated 04.01.2014.

[4]. Impugning the aforesaid two orders dated 26.04.2011 and 04.01.2014, learned counsel for the petitioners submits that mere publication of news items as regards implication of respondent in FIR No.195 dated 29.03.2011 which came to

be registered in pursuance to an order dated 15.03.2011 passed on a petition under Section 156(3) Cr.P.C. moved at the instance of the petitioners, by any stretch of imagination be termed to be an act of defamation as regards the respondent/complainant and, thus the proceedings initiated against the petitioners were totally vitiated in law.

[5]. Learned counsel further submits that the news items were never got published at the instance of the petitioners, as the same were made part of the newspaper at the instance of correspondents of the newspapers and, thus no offence at all was made out against the petitioners. Learned counsel also relied upon decisions dated 24.08.2017 passed in CRM-M No.44035 of 2015 titled 'Navjote Kaur Khara vs. State of Punjab and another' and 20.09.2023 passed in CRM-M No.36258 of 2012 titled 'Panjab Singh and others vs. Daler Singh' to supplement his arguments.

[6]. On the other hand, learned counsel representing the respondent while opposing the prayer made on behalf of the petitioners submits that the news items were got published by the petitioners so as to malign the reputation of the respondent in the entire area and accordingly the summoning order as well as the order dated 04.01.2014 passed by the Revisional Court warrant no interference.

[7]. I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made on behalf of the petitioners.

[8]. Perusal of the complaint besides Exs.P-1 and P-2 which are the news items show that the same were never published at the instance of the petitioners but through the local correspondents of the newspapers. Moreover, the news items

reflects merely an information about the implication of respondent and three others in an FIR relating to offence involving fraud and without expressing any opinion and the veracity of the accusation made therein, thus the same cannot be termed to be an act of defamation to the respondent in terms of Sections 500/499 IPC. From the news items relied upon by the respondent/complainant, it cannot be *prima facie* established that the same were published at the instance of the petitioners. In fact, the news items were published through editors/correspondents of the two newspapers being part of their duty to apprise the society about the surroundings and without there being any ill-will or prejudice towards respondent/complainant.

[9]. Further, perusal of the impugned orders passed by the Courts below shows that the aforesaid aspect was never taken care of while dealing with the merits of the proceedings. Accordingly, the present petition is allowed and the impugned orders dated 26.04.2011 and 04.01.2014 passed by the Courts below are hereby set aside thereby resulting into dismissal of the complaint.

[10]. All pending application(s), if any, shall stand disposed of.

March 05, 2024
Atik

(HARKESH MANUJA)
JUDGE

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