



2025:DHC:9684



* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
% *Pronounced on: 04th November, 2025*

+ **CRL.M.C. 4233/2018, CRL.M.A. 30467/2018**

SHRIJEET RAMAKANT MISHRA

S/o Shri Ramakant Mishra

R/o Gitanjali Gardens,

Flat No. 301, 68/E, Napean Sea Road

Rungta Lane, Mumbai -400006

.....Petitioner

Through: Mr. Pavan Narang, Sr. Advocate with Mr.
Himanshu Sethi and Ms. Ashwarya
Chhabra, Advocates.

versus

1. The State

National Capital of Territory of Delhi

New Delhi

.....Respondent No. 1

2. VIKRAM SINGH CHAUHAN

Chamber No. 185-B

Patiala House Court,

New Delhi

.....Respondent No. 2

Through: Mr. Shoaib Haider, Ld. APP for State. Mr.
Sahil Chopra, Mr. Mukesh R. Yadav and
Mr. Yash Tewari, Advocates with R-2 in
person.

+ **CRL.M.C. 559/2019, CRL.M.A. 2327/2019**

1. MR. SAMIR JAIN,

S/o Late Sh. Ashok Jain,

Address: Indian Express building,

9-10 Bahadurshah Zafar Marg,

New Delhi-110002

.....Petitioner No. 1



2025:DHC:9684

**2. Mr. VINEET JAIN**

S/o Late Sh. Ashok Jain,
At: Times of India building,
Dr. D.N. Road, Mumbai-400001

.....Petitioner No. 2

3. MRS. INDU JAIN,

W/o Late Sh. Ashok Jain,
At: Indian Express
Building, 9-10 Bahadurshah Zafar Marg,
New Delhi-110002

.....Petitioner No. 3

Through: Mr. Pavan Narang, Sr. Advocate with Mr.
Himanshu Sethi and Ms. Ashwarya
Chhabra, Advocates.

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person.

+ **CRL.M.C. 720/2019, CRL.M.A. 2968/2019, CRL.M.A. 2803/2020**

ARNAB GOSWAMI

S/o Manoranjan Goswami
R/o B-1701/1702, Raheja Atlantis CHS,
G. K. Marg, Lowerparel - 400013

.....Petitioner



2025:DHC:9684



Through: Ms. Malvika Trivedi, Sr. Advocate with Mr. Aman Avinav, Mr. Kumar Rishabh Parth and Mr. Shailendra Slaria, Advocates.

versus

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New Delhi

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CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U D G M E N T

NEENA BANSAL KRISHNA, J.

1. The aforesaid three Petitions are being decided together as they arise out of the same facts and involve similar question.
2. The Petitioners, namely, *Shrijeet Ramakant Mishra* (CRL. M.C. 4233/2018); *Samir Jain, Vineet Jain, Indu Jain* (CRL. M.C. 559/2019) and *Arnab Goswami* (CRL. M.C. 720/2018) have filed the aforesaid Petitions under Section 482 of the Code of Criminal Procedure, 1973 (*hereinafter referred to as "Cr.P.C."*) seeking quashing of the summoning Order dated 28.02.2018 whereby the Petitioners have been summoned for offences under



Section 499/500 of the Indian Penal Code, 1860(hereinafter referred to as “IPC”) and quashing of the Criminal Complaint No. 9922/2017 titled “*Vikram Singh Chauhan vs. Arnab Goswami and Ors.*”.

Background of the Events:-

3. The Complainant/Respondent No. 2 is an Advocate by Profession who has filed the Complaint under Section 200 Cr.P.C. against the Petitioners herein, for offence under Section 499/500 IPC.

4. The **backdrop of the Complaint** was that on 09.02.2016, a cultural event titled “*A Country Without a Post Office*” was organized by students at Jawaharlal Nehru University (JNU), Delhi, during which some students allegedly raised anti-national slogans. FIR was registered under Sections 124A and 120B IPC on 12.02.2016, and Kanhaiya Kumar, JNU Student Union President, was arrested. He was produced at the Patiala House Court Complex for remand on **15.02.2016**. There were scuffles and sloganeering and violent assaults were carried out against students, teachers, and journalists by certain individuals, including *Advocate Vikram Singh Chauhan (Respondent No. 2 herein)*, *Yashpal Singh*, and *Om Sharma*, despite police presence, resulting in the registration of **FIR No. 69/2016**.

5. The episode was recorded and widely reported by National Media on **19.02.2016** including the “Times Now” TV Channel. The regarding this incident of 15.02.2016, Bar Council of India (BCI) also condemned the violence and constituted a *Fact-Finding Committee*.

6. A Writ Petition was filed before the Hon’ble Supreme Court seeking protection for Kanhaiya Kumar. On 17.02.2016, the Court passed directions to ensure security and restricted entry to the court premises during his



hearing. Despite this Order, incident of *violence occurred again at the Patiala House Court premises on 17.02.2016*, and Kanhaiya Kumar along with some journalists, was assaulted and another *FIR No. 75/2016* was registered. The Supreme Court deputed a lawyers' team to investigate. BCI extended the scope of its inquiry to include the second incident.

7. Various news reports stated that despite being summoned by the police authorities, Respondent No.2 had ignored the summons and was being felicitated by the Bar members of the Karkardooma Court, New Delhi and the police authorities failed to take any action against him.

8. The news channel "Times Now" aired a debate show on 19.02.2016, anchored by the Petitioner/Arnab Goswami, questioning police inaction against the persons who had openly violated law and order. ***It is this broadcast that is the subject matter of the Criminal Complaint filed by Respondent No. 2 against the Petitioners herein, alleging Defamation.***

Criminal Complaint No. 9922/2017 filed by Respondent No.2:-

9. It is stated that the Accused No. 1/Arnab Goswami, erstwhile Editor in Chief of *Times Now* of *Bennet Coleman & Co. Ltd*/Accused No. 2 in active connivance and with complete consent of Accused No. 3/Samir Jain, Accused No. 4/Vineet Jain, Accused No. 5/Indu Jain, Accused No. 6/Shrijeet Ramakant Mishra and Accused No. 7/Shankar Narayan Ranganathan, had started a false, vexatious, malicious and defamatory campaign against the Complainant for increasing its own TRP and with other vested interests, causing irreversible damage and harm to the reputation of the Complainant.



10. As per the averments made in the Complaint filed by the Complainant/Vikram Singh Chauhan, he watched on YouTube on 19.02.2016 a debate show aired on “Times Now” in which the Accused No. 1/Arnab Goswami made certain remarks and referred to him as a **“Gunda Lawyer”, “Hooligan”** and **“Rogue Lawyers”**, which he considered derogatory and defamatory. The same Show is also available on YouTube under the caption title as **“Why No Action Against Goon Lawyers”**.

11. By using such derogatory words, the Accused persons conveyed to the public that the Complainant is *per se* involved in criminal activities, which has no connection with reality. These statements, according to him, contained serious allegations that harmed his reputation, leading to filing of the present Complaint under Sections 499 / 500 IPC.

12. Accused No. 1/Arnab Goswami, who made the above-mentioned defamatory allegation, is a well-known journalist with significant public influence. Given his prominence, it was his duty to verify the accuracy of the information before making such damaging allegations, which are blatantly false and have no connection with the truth.

13. It was further stated that the Complainant being an Advocate by profession, is facing serious repercussions of the allegations as his clients have gone and other lawyers do not wish to continue their association with him. One Advocate, Sh. Vipin Sharma confronted the Complainant regarding the allegations made in the telecast. In response, the Complainant informed Sh. Vipin Sharma that the allegations were entirely baseless. However, Sh. Vipin Sharma expressed his discomfort in continuing their professional association due to the nature of the accusations. He further



stated that being seen with the Complainant, might lead others to label him as a “Gunda” or “Hooligan” as well.

14. It is submitted that the statements made and published at the behest of the accused persons have lowered and harmed the image and reputation of the Complainant, damaged the good fame for which the Complainant has suffered irreparable loss, injury and mental agony.

15. The Complainant has placed reliance on the Apex Court case of Subramanian Swamy vs. Union of India, (2016) 7 SCC 221 wherein it was held that the onus of proving truth of imputation and publication of imputation for public goods, is on the accused.

16. Reliance was also placed on Sewakaram Sobhani vs. R.K. Karanjia, 1981 (3) SCC 208 wherein the three-judge bench of the Apex Court held that the journalists are in no better position than any other person.

17. The Complainant has asserted that the *first exception* to Section 499 IPC pertains to statements that are “true”. However, the allegations levelled against the Complainant, are patently false. There is no aspect of “*public good*” served by the publication of such a report. Furthermore, the Complainant stated that he has never been a “*public servant*”, nor do the reports claim he was. Therefore, the *second exception* does not apply to this Complainant.

18. The Complainant has further stated that the comments made by the accused persons in the news reports, are not protected under the *third exception to Section 499 IPC*. Under Section 52 IPC, “*good faith*” requires “due care” and “attention”, which are lacking in this case. The Complainant has never declared himself to be a “Gunda” or “Hooligan” and has no criminal record or pending cases. As such, the accused’s statements cannot



be considered to be made in good faith, and the third exception to Section 499 IPC does not apply.

19. Similarly, none of the other exceptions under Section 499 IPC are applicable to the present case. The *fourth and fifth exception* does not apply, as there has been no publication of any court record, nor do the news reports concern the merits of any judicial proceeding or the conduct of any person in such a case. Similarly, the *sixth exception* is irrelevant because the Complainant has neither submitted any performance to public judgment, nor do the reports evaluate any such performance. The *seventh exception* also has no application, as the accused do not possess any legal authority over the Complainant, and therefore, cannot claim to have made any censure within the bounds of lawful authority. The *eighth exception* is inapplicable since the defamatory statements were not made to any authority having control over the Complainant. The *ninth exception* likewise fails, as the imputations were not made in good faith, nor were they intended to protect the interests of the accused or the public. The *tenth exception* does not apply either, as there is no element of caution or warning in the reports.

20. While Article 19(1)(a) of the Constitution of India guarantees freedom of speech and expression including that of the press, Clause 2 of Article 19 lays down certain embargo by providing that right to freedom speech can be curtailed on certain grounds, one of which is of it being derogatory.

21. The Complainant is an “*aggrieved person*” of sound reputation, and the news Reports have severely harmed his good name. None of the statutory exceptions protect the accused from liability under Section 499 IPC.



Impugned Summoning Order dated 28.02.2018:-

22. The Complainant, in support of its case, examined himself as **CW-1/Vikram Singh Chauhan** and reiterated the allegations made against the Petitioners.

23. **CW-2/Vipin Kumar Sharma**, Advocate deposed that he watched the show titled “*Why No Action Against Goon lawyers*” on 19.02.2016 where the host, Arnab Goswami made grave *allegations by calling Sh. Vikram Singh Chauhan as “Gunda” & “Hooligan”*. He further stated that he felt uncomfortable associating with Vikram Singh Chauhan, alleging he was involved in questionable activities and labeled a “*Gunda*”. He feared being perceived similarly, which could harm his reputation and client relationships. He also stated that Arnab Goswami’s statements in the interview, have negatively affected the Complainant’s reputation in his eyes.

24. The learned M.M. on appreciation of the pre-summoning evidence, took note of the imputations, “*Gunda Lawyer*”, “*Hooligan*” and “*Rogue Lawyers*” used in the YouTube video titled “*Why No Action Against Goon Lawyers*” against the Complainant. Learned M.M. concluded that the offence of defamation is made out and summoned the Petitioners *vide* Order dated 28.02.2018, which reads as under:-

“The aforesaid imputations made by the accused in the electronic media/news show on 19.02.2016 by caption “WHY NO ACTION AGAINST GOON LAWYERS?” and imputations “GUNDA LAWYER” “HOOLIGAN” “ROGUE LAWYERS” against the complainant prima facie show imputations against the reputation of the complainant. The complaint of the complainant to my mind does satisfy the essential ingredients of S. 499/500 IPC. Since the accused spoke/made such imputations on



19.02.2016 in the electronic media in front of the National Television against the complainant thus has clearly published the said imputations concerning the complainant intending to harm, no knowing or having reason to believe that such imputations will harm, the reputation of the complainant, to defame him. Also, the testimonies of CW1, and CW2 even shows the effect on the reputation of the complainant due to the imputations made by the accused on the National television against the complainant. Thus, clearly, in view of the foregoing discussions, there is sufficient material on record to summon accused Mr. Arnab Goswami for offences punishable under S. 500 of Indian Penal Code.

As regards accused Bennet Coleman & Co. Ltd.; Mr. Samir Jain, Mr. Vineet Jain, Ms. Indu Jain; Mr. Shrijeet Ramakanta Mishra & Mr. Shankar Narayan Ranganathan since the said news programme was telecasted by Bennet Coleman & Co. Ltd. And Mr. Samir Jain being its Managing director; Mr. Vineet Jain being its Managing director; Ms. Indu Jain being its whole time director; Sh. Shrijeet Ramakanta Mishra being its wholetime director since allowed to telecast the said program thus published the said imputations against the complainant and thus against them prima facie the essential ingredients of S. 499/500 IPC are made out.

As regards Mr. Shankar Narayan Ranganathan, who is CFO/employee of Bennett Coleman & Co. Ltd. has no role to play and it cannot be said that he committed offence punishable under S.500 IPC against the complainant and thus is not being summoned.

Accordingly, let summons be issued to accused Mr. Arnab Goswami Bennett Goleman & Co. Ltd.; Mr. Samir Jain, Mr. Vineet Jain; Ms. Indu Jain, Mr. Shrijeet Ramakanta Mishra on filing of PF/RC returnable on 22.08.2018."

25. Aggrieved by this summoning Order dated 28.02.2018, the Petitioners preferred the present Petitions.



26. The grounds of challenge of the Summoning Order dated 28.02.2018 are that the statutory requirement under Section 202 Cr.P.C. was not complied with by the learned M.M. Since the business address of Accused No. 2/ Bennet Coleman Co. Ltd. is in Noida, Uttar Pradesh and the residential address of the Petitioners/Shrijeet Ramakant Mishra and Vineet Jain is in Mumbai, all are outside the Court's territorial jurisdiction. Learned M.M. was obligated to conduct an inquiry under Section 202(1) Cr.P.C. before issuing summons to the Petitioners.

27. Reliance has been placed on the case of Abhijeet Pawar vs. Hemant Madhukar Nimbalkar and Ors., (2017) 3 SCC 528 wherein it was held that in those cases where the accused is residing at a place beyond the area in which the Magistrate exercises his jurisdiction, it is mandatory on the part for the Magistrate to conduct an enquiry or investigation before issuing process.

28. Moreover, there is no specific incriminating role against the Petitioners/Shrijeet Ramakant Mishra, Samir Jain, Vineet Jain, Indu Jain. In this regard, reliance has been placed on Shobhana Bhartia & ors., (2007) 144 DLT 519 wherein this Court has held that *besides the accused person being declared as an editor, printer and publisher of a newspaper, only such person could be prosecuted for an action of defamation against whom specific and clear allegations have been made in the complaint.* Such person was either responsible for selection of the defamatory content or had personal knowledge about the same. *Furthermore, the Chairman or the Managing Director of the Company owning a newspaper, is neither the editor nor the printer/publisher, and so, no presumption can be drawn against these persons.*



29. The Petitioners have also relied upon the case of Rajan Bihari Lal Raheja and Ors., 2011 (126) DRJ 468. In this case, the Court upon analyzing the allegations made in the Complaint, held that the allegations were vague and did not contain specific details wherein it was stated that the accused persons were involved in the day to day control, the working and management of the company or they were in active supervision and control of the article is being published.

30. It is submitted that no legally admissible evidence has been brought on record that the alleged telecast was aired with the consent or an active connivance of the Petitioners herein. There is no evidence to say that the content was authored or supervised by the Petitioners. There is no averment in the Complaint or in the pre-summoning evidence that the editorial content of “Times Now” News channel was under the control/management of Accused No. 2 /Bennet Coleman Co. Ltd.

31. *Accused No. 2 Company* is not involved in the day to day operation of the news channel. Petitioners as senior management members did not have any role to play in the selection of the news content.

32. The Petitioners submit that the Penal Code does not contain any provision that permits the application of the concept of vicarious liability in criminal law. Accordingly, individuals cannot be summoned solely on the basis of their position within a Company for an offence allegedly committed by the Company, unless there is specific and tangible evidence indicating their direct involvement or complicity in the commission of the alleged offence.

33. The Complainant has not placed on record the original recording of the debate wherein it was claimed that certain comments were made which



were derogatory in nature. Furthermore, the Advocates who were part of the debate in question, has not been cited as witness to support the case of the Complainant.

34. Additionally, the Petitioner/Arnab Goswami has submitted that Respondent No.2/ Complainant has suppressed the material fact that he was out on Bail and has also been named in the Chargesheet on 19.07.2016 filed by the authorities in relation to the incident of violence against Kanhaiya Kumar which had taken place on 15.02.2016 and 17.02.2016, which was the subject matter of debate during the News broadcast.

35. Furthermore, the Court found that there were sufficient grounds for proceeding against Respondent No.2 for commission of offences under Section 147, 323, 427, 506 IPC in the FIR and instigating the mob that attacked the journalists at Patiala House Court.

36. Reliance is placed upon Sri T Satish U. Pai vs. Sri Narayan Nagappa Nayak, wherein the High Court of Karnataka held that that when public authority has taken cognizance of the Complaint filed against the Respondent and they have initiated necessary legal action and any of the proceedings relating to the crime that occurred in society, if Report is published in the Newspaper, it would not amount to defamation.

37. The impugned broadcast/news report was founded on true and verifiable facts. In fact, Respondent No. 2 himself, during the sting operation aired by *India Today* on 22.02.2016, Vikram Singh Chauhan, Yashpal Singh, and Om Sharma - they admitted to having led the attack on Kanhaiya Kumar. In the absence of any false or malicious imputation, the offence under Section 500 IPC is clearly not made out against the Petitioner.



38. Further, the debate in the Broadcast was conducted on the incident of crime, in *good faith* and without any intention to harm or defame the Respondent No. 2 or any other person.

39. The Complaint has been filed as a *counter-blast* to the fact that the media had highlighted the role played by the Respondent No.2 and other persons involved in the incidents which took place at Patiala House Court on 15.02.2016 and 17.02.2016. Reliance has also been placed on Subramanian Swamy, (supra) wherein the Apex Court cautioned regarding mechanical issuance of process by the Magistrate in cases of defamation.

40. There is no *prima facie* case made out against the Petitioners. *Thus, the summoning Order be set aside and the Complaint case against the Petitioners be quashed.*

41. **A detailed Reply has been filed by the Respondent No.2/the Complainant** and has reiterated the averments made in his Complaint and has denied all the allegations made in the Petitions.

42. It is submitted that it is a settled position of law that the Petitioner has no authority to run a parallel media trial and hold Respondent No.2 guilty of allegedly leading an unruly mob. Furthermore, the impugned summoning Order is well-reasoned and the learned M.M. has correctly appreciated the facts of the present case.

43. It is submitted that at the time of publication of the defamatory contents, the Petitioners were strictly responsible for the operations concerning the publication/ dissemination and sharing of posts/data/ articles and videos of the accused Company and despite complete knowledge of the contents of the defamatory and disparaging news, allowed the publication specifically targeting the Respondent No. 2.



44. Furthermore, the News Report in question is still available on the website of the Petitioner on YouTube and the Petitioners are still continuing to defame the Respondent No. 2. It is further submitted that the result of the said defamatory and derogatory imputations made in the Report, was that the Respondent No.2 had lost the New Delhi Bar Association elections for the year 2022.

45. Reliance has been placed on State of Bihar vs. Krishna Advani, (2003) 8 SCC 361 wherein the Apex Court held that the reputation is an integral and important aspect of dignity of every individual and the right to preservation of one's reputation is acknowledged as a right in rem; a right good against the entire world.

46. It is submitted that it is for the accused person to discharge the burden to prove *good faith*, to establish that he exercised due care and caution and also show that the attack on the character of Respondent No.2 was meant for *public good*, during the trial. The Editors along with other persons who have the knowledge of contents of publication, have to take responsibility of everything they publish and to maintain the integrity of published record because it can cause far reaching consequences.

47. It is submitted that the present Petition is nothing but an arm-twisting tactic to unnecessary harass and intimidate the Respondent. *Thus, the present Petitions are liable to be dismissed.*

48. Written Submissions and compilation of judgments have been filed by both the parties.

Submissions heard and record perused.



49. The *brief background of the Complaint* arises from the allegations having their foundation in a debate aired on the “Times Now” News channel on 19.02.2016, which is claimed to have contained derogatory and defamatory statements concerning the Complainant, in the context of violent incidents that took place at the Patiala House Court Complex.

50. The moot question which poses itself before this Court is *whether case of defamation of the Respondent No.2 by the Petitioners, is prima facie made out from the averments made in the Complaint under Section 200 Cr.P.C. and the evidence led by the Respondent, in support thereof.*

51. The offence of defamation is defined in Section 499 IPC as under:

“Section 499 IPC. Defamation.— Whoever, by words either spoken or intended to be read, or by signs or by visible representations, makes or publishes any imputation concerning any person intending to harm, or knowing or having reason to believe that such imputation will harm, the reputation of such person, is said, except in the cases hereinafter expected, to defame that person.

Explanation 1.—It may amount to defamation to impute anything to a deceased person, if the imputation would harm the reputation of that person if living, and is intended to be hurtful to the feelings of his family or other near relatives.

Explanation 2.—It may amount to defamation to make an imputation concerning a company or an association or collection of persons as such.

Explanation 3.—An imputation in the form of an alternative or expressed ironically, may amount to defamation.

Explanation 4.—No imputation is said to harm a person's reputation, unless that imputation directly or indirectly, in the estimation of others, lowers the moral or intellectual character of that person, or lowers the character of that person in respect of his caste or of his



calling, or lowers the credit of that person, or causes it to be believed that the body of that person is in a loathsome state, or in a state generally considered as disgraceful.

First Exception.—Imputation of truth which public good requires to be made or published.—*It is not defamation to impute anything which is true concerning any person, if it be for the public good that the imputation should be made or published. Whether or not it is for the public good is a question of fact.*

Second Exception.—Public conduct of public servants.—*It is not defamation to express in good faith any opinion whatever respecting the conduct of a public servant in the discharge of his public functions, or respecting his character, so far as his character appears in that conduct, and no further.*

Third Exception.—Conduct of any person touching any public question.—*It is not defamation to express in good faith any opinion whatever respecting the conduct of any person touching any public question, and respecting his character, so far as his character appears in that conduct, and no further.*

Fourth Exception.—Publication of reports of proceedings of courts.—*It is not defamation to publish substantially true report of the proceedings of a Court of Justice, or of the result of any such proceedings.*

Fifth Exception.—Merits of case decided in Court or conduct of witnesses and others concerned.—*It is not defamation to express in good faith any opinion whatever respecting the merits of any case, civil or criminal, which has been decided by a Court of Justice, or respecting the conduct of any person as a party, witness or agent, in any such case, or respecting the character of such person, as far as his character appears in that conduct, and no further.*

Sixth Exception.—Merits of public performance.—*It is not defamation to express in good faith any opinion respecting the merits of any performance which its author*



has submitted to the judgment of the public, or respecting the character of the author so far as his character appears in such performance, and no further.

Seventh Exception.—Censure passed in good faith by person having lawful authority over another.—*It is not defamation in a person having over another any authority, either conferred by law or arising out of a lawful contract made with that other, to pass in good faith any censure on the conduct of that other in matters to which such lawful authority relates.*

Eighth Exception.—Accusation preferred in good faith to authorised person.—*It is not defamation to prefer in good faith an accusation against any person to any of those who have lawful authority over that person with respect to the subject-matter of accusation.*

Ninth Exception.—Imputation made in good faith by person for protection of his or other's interests.—*It is not defamation to make an imputation on the character of another provided that the imputation be made in good faith for the protection of the interests of the person making it, or of any other person, or for the public good.*

Tenth Exception.—Caution intended for good of person to whom conveyed or for public good.—*It is not defamation to convey a caution, in good faith, to one person against another, provided that such caution be intended for the good of the person to whom it is conveyed, or of some person in whom that person is interested, or for the public good.”*

“Section 500 IPC. Punishment for defamation.—*Whoever defames another shall be punished with simple imprisonment for a term which may extend to **two years, or with fine, or with both.**”*

52. It is apparent from the very definition that intention of the accused who make such imputation, must be to *harm the reputation* or he must make it *with knowledge or reasonable belief* that such an imputation will harm the



reputation of the person concerned. **Therefore, unless one makes the offending imputation with such state of mind, he cannot be said to have committed such offences.** The offence of defamation consists of three essential ingredients, namely, (i) making or publishing any imputation concerning any person; (ii) such imputation must have been made by words either spoken or intended to be read or by signs or by visible representation; and (iii) the said imputation must have been made with intention to harm or with knowledge or having reason to believe that it will harm the reputation of the person concerned.

53. Therefore, it is apparent from the very definition of the offence as given in Section 499 IPC, that *intention to cause harm is the most essential sine qua non for an offence under Section 499 IPC.*

54. In order to determine whether a *prima facie* case of defamation is made out, it becomes necessary to examine two distinct facets of liability:

- (i) *firstly*, whether the corporate entity, i.e., Bennett Coleman & Co. Ltd., can be held criminally liable for the alleged defamatory telecast; and
- (ii) *secondly*, whether the officers and directors of the Company can be held vicariously liable for the same.

I. Liability of Bennet Coleman & Co. Ltd.:-

55. *The first aspect for consideration is whether the Corporate Entity i.e. Bennet Coleman & Co. Ltd. can be held liable for the offence of defamation?*

56. *Undoubtedly, Bennet Coleman & Co. Ltd., is a Company which is a juristic entity.* The aspect of liability of a Company for the offence of



defamation was considered by the Calcutta High Court in the case of Sunilakhya Chowdhury vs. H.M.J.H. Jadwet, AIR 1968 CAL 266, wherein it was held that a juristic person and artificial person or a juristic entity is incapable of having any mind and hence question of having such a state of mind cannot arise. It was, therefore, concluded such a person cannot commit an offence of defamation of which *mens rea* is one of the essential ingredients, though the directors and other officers of such company may be liable for committing such offences in certain circumstances.

57. This judgement of Sunilakhya Chowdhury, (*supra*) was relied in the case of Zee Telefilms Limited vs. Sahara India Commercial Corporation Limited, (2001) 1 CALLT 262 HC wherein it was observed as under:-

“ ...

9. In the penal code also there is no provision which makes a company or an association of persons liable for prosecution for the offences of which mens rea is one of the essential ingredients. In this situation and in view of the aforesaid decision of the Apex Court, it is apparent that if a statute defining the offence makes the mens rea or particular state of mind to be essential ingredients of such offence, a company or an association of person cannot be prosecuted for such offences though its officers or directors responsible for the management of the affairs of such company may be liable for prosecution. Similar view was expressed by this court in an earlier decision in AIR 1949 CAL 689 where it has been held that bank is a juridical person and not an actual person. The bank is such that it cannot be said to have the mens rea required for the offence of cheating. The bank as such cannot be punished for cheating because it has no physical body. Similar view was reiterated in a recent decision of this court in a comparatively recent decision of this court in A.K. Khosla v. T.S. Venkatesan, 1991 (II) CHN 321.



58. Similar view was reiterated by Calcutta High Court in A.K. Khosla v. T.S. Venkatesan, 1991 (II) CHN 321.

59. The Co-ordinate Bench of this Court in Raymond Ltd. vs. Rameshwar Das Dwarkadas P. Ltd., 2013 SCC OnLine Del 1328, while dealing with a Complaint under Section 499 IPC filed against a Company for the alleged act of defamation, relied upon the decision of the Calcutta High Court in Zee Telefilms Limited, (supra) and quashed the Complaint on ground that the Company cannot possess any *mens rea* and cannot be held liable for the offence under Section 499 read with 500 IPC.

60. It is thus, evident that for an offence under Section 499 IPC, the intention or *mens rea* to cause harm to reputation, is an essential ingredient. The element of such a culpable mental state forms the foundation of liability under the said provision. However, a Company, being an artificial and juristic person without a natural mind, is inherently incapable of possessing such intention or *mens rea*. The absence of a natural mind or capacity for forming the requisite *mens rea* precludes the attribution of criminal intent to a juristic entity. In light of the foregoing discussion and the settled judicial position, it follows that a Company cannot be prosecuted for the offence of defamation under Section 499 IPC.

61. It is, therefore, concluded that **Bennett Coleman & Co. Ltd./Accused No. 2, the Company cannot be summoned as an accused for the offence of Defamation.**

II. Liability of the Officers of Bennet Coleman & Co. Ltd for the offence of defamation?



62. In this context, it may also be noted that where Company is an accused, it being a juristic person, cannot be arrested or imprisoned. **Section 305 Cr.P.C. provide for the person to represent the accused Company.** The relevant provisions are extracted as under:

“305. Procedure when corporation or registered society is an accused.

(1) In this section, “corporation” means an incorporated company or other body corporate, and includes a society registered under the Societies Registration Act, 1860 (21 of 1860).

(2) Where a corporation is the accused person or one of the accused persons in an inquiry or trial, it may appoint a representative for the purpose of the inquiry or trial and such appointment need not be under the seal of the corporation.

(3)

(4)

(5)....

(6) If a question arises as to whether any person, appearing as the representative of a corporation in an inquiry or trial before a Court is or is not such representative, the question shall be determined by the Court.”

63. The Co-ordinate Bench of this Court in Puneet Gupta vs. State, 2013 SCC OnLine Del 208, while considering a case of Prosecution of a Company under Section 20A *Prevention of Food Adulteration Act, 1954*, held that in terms of Section 305 Cr.P.C., a Company can be represented through a Representative appointed for this purpose. The Court held thus:-

“Sub-section (3) says that where a representative of a company appears, any requirement of this Code that anything shall be done in the presence of the accused, shall be construed as a requirement that, that thing shall be done in presence of the representative. Sub-section (4) says that if



*the representative of the corporation does not appear, the requirement as referred in sub-section (3) shall not apply. Thus, simply because there was nobody to represent the Company, the directors could not have been summoned to appear as accused. **The right course to be adopted was to issue summons to the company through its principal officer and it is for the company to decide as to through whom it is to be represented.***”

64. The proper procedure is to issue a summons to the Company, which can then appoint an Authorized Representative (AR) to represent the accused Company in criminal proceedings. However, the criminal law does not recognize *the principle of vicarious liability of the Directors*; according to criminal jurisprudence, but there has to be specific averments against each of the Directors, to be made an accused and its Directors do not *ipso facto* become the accused persons. The Company, being a juristic entity, necessarily acts through its Directors, Managers, Employees and to infer any criminal liability, it has to be *prima facie* shown that they were involved in the activities of the Company and were responsible for the acts taken on behalf of the Company.

65. In the case of State of Haryana vs. Brij Lai Mittal & Ors., (1998) 5 SCC 343, the Apex Court held that vicarious liability of a person on being prosecuted for an offence committed under the Act by a Company arises *if at the material time, he was in-charge of and was also responsible to the Company for the conduct of its business.*

66. Similarly, in the case of Sunil Bharti Mittal vs. CBI, (2015) 4 SCC 609 the Apex Court held that a Corporate entity is an artificial person which acts through its Officers, Directors, Managing Directors, Chairman, etc. and if such Company commits an offence involving *mens rea*, it



normally would be the intent and action of that individual who would act on behalf of the Company. *It is the cardinal principle of criminal jurisprudence that there can be no vicarious liability unless the statute specifically provides so. Furthermore, an individual who has allegedly perpetrated the commission of an offence on behalf of a Company, can be made accused along with the Company if there is sufficient evidence of his active role coupled with criminal intent.*

67. It would also be appropriate to refer to the decision of the Apex Court in Maharashtra State Electricity Distribution Company Limited vs. Datar Switchgear Limited, (2010) 10 SCC 479, wherein the Chairman of the Maharashtra State Electricity Board was made an accused for the offence under Sections 192 and 199 respectively read with Section 34 of the IPC. It was held as under:

*“30. It is trite law that wherever by a legal fiction the principle of vicarious liability is attracted and **a person who is otherwise not personally involved in the commission of an offence is made liable for the same, it has to be specifically provided in the statute concerned.** In our opinion, neither Section 192 IPC nor Section 199 IPC incorporate the principle of vicarious liability, and therefore, **it was incumbent on the complainant to specifically aver the role of each of the accused in the complaint.***

(emphasis supplied)

68. In Datar Switchgear Limited, (supra), reference was made to the following observations made in S.K. Alagh v. State of U.P., (2008) 5 SCC 89

*“19. As, admittedly, drafts were drawn in the name of the company, even if the appellant was its Managing Director, he cannot be said to have committed an offence under Section 406 of the Penal Code. **If and when a statute***



contemplates creation of such a legal fiction, it provides specifically therefor. In absence of any provision laid down under the statute, a Director of a company or an employee cannot be held to be vicariously liable for any offence committed by the company itself.

69. This judgment of Datar Switchgear Limited, (supra) was quoted with approval in the recent judgment of the Apex Court in Sanjay Dutt vs. The State of Haryana, 2025 INSC 34, wherein it was observed that “*there must exist something to show that such actions of the director stemmed from their personal involvement and arose from actions or conduct falling outside the scope of its routine corporate duties. Thus, where the company is the offender, vicarious liability of the Directors cannot be imputed automatically, in the absence of any statutory provision to this effect.*” It was further observed that *when a complainant intends to rope in a Managing Director or any officer of a Company, it is essential to make requisite allegations to constitute the vicarious liability.*

70. From the aforesaid judgments, it is well established that there exists no provision under Criminal Code which recognizes vicarious liability of the Directors of a Company for criminal offences allegedly committed by the Company. For the summoning of individual Directors, there has to be personal imputations to make them liable for their individual acts and *criminal liability cannot be vicariously fastened onto Directors/officials merely because of their designation, in the absence of any specific allegations.* They, by virtue of being the Directors, do not become *ipso facto* liable for the offence allegedly committed by the Company.

71. Having outlined the procedural mechanism for representing a company and the principle that vicarious liability of Directors cannot be



presumed, it may now be considered *whether the directors named in the Complaint have been attributed any specific acts that would justify them being summoned.*

72. In the present case, as per the Complaint, **Mr. Vineet Jain and Mr. Samir Jain** were the Managing Directors; and **Mrs. Indu Jain and Sh. Shrijeet Ramakanta Mishra** were the whole-time Director of Bennett Coleman & Co. Ltd.

73. First and foremost contention of the Petitioners is that no specific incriminating role has been assigned to them in the Complaint filed by the Respondent. Furthermore, they have no executive authority or involvement in the day-to-day affairs and the editorial content of “Times Now” News Channel.

74. The Complainant has made serious allegations against the accused persons, namely, Mr. Vineet Jain and Mr. Samir Jain who were the Managing Directors; and Mrs. Indu Jain and Mr. Shrijeet Ramakanta Mishra who were the whole-time Director of Bennett Coleman & Co. Ltd. However, the allegations are based solely on their corporate positions rather than their actual involvement in the specific television broadcast of 19.02.2016, wherein the allegedly defamatory statements were made during a debate show anchored by Accused No. 1/Arnab Goswami.

75. It is pertinent to refer to the averments made in the Complaint:-

“ ...

That Accused No. 1 Arab Goswami (erstwhile Editor in Chief of Times Now of Bennet Coleman & Co. Ltd. Accused No. 2) and in active connivance and complete consent of Accused No. 3 Sh. Samir Jain, Accused No. 4 Sh. Vineet Jain, Accused No. 5 Sh. Indu Jain, Accused No. 6 Sh.



Shrijeet Ramakanta Mishra and Accused No. 7 Sh. Shankar Narayan Ranganathan had started a false, vexatious, malicious and defamatory campaign against the Complainant for increasing its TRP and other vested interests, causing irreversible damage and harm to the reputation of the complainant.

...

The above said false statements by the accused No. 1 Arnab Goswami (erstwhile Editor in Chief of Times Now of Accused No. 2 Bennett Coleman & Company) in active connivance and complete consent of Accused No. 3 Sh. Samir Jain, Accused No. 4 Sh. Vineet Jain, Accused No. 5 Sh. Indu Jain, Accused No. 6 Sh. Shrijeet Ramakanta Mishra and Accused No. 7 Sh. Shankar Narayan Ranaganathan, which have been viewed by entire National Television, is defamatory to the core.

*The word **Gunda and Hooligan** as used by the Accused No.1 (Editor in Chief of Times Now of Accused No. 2) Bennett, Coleman and Company) immediately before the complainant's name had lowered not only his image but lowered made his reputation in the eyes of his clients, colleagues as well as in the eyes of the society."*

76. The Complaint primarily emphasizes the positions held by the Petitioners in the Media Company, but fails to delineate their respective roles in the editorial oversight, content approval, or decision-making processes related to the specific broadcast in question.

77. The statements made by the Complainant asserting that the Petitioners, as Directors and Managing Directors, acted in "active connivance and complete consent", are general and unsubstantiated by concrete factual specifics regarding their knowledge of, participation in, or approval of the particular television program. *The use of omnibus*



statements without attributing specific actions, editorial decisions, or defamatory conduct to each Petitioner individually undermines the threshold required to establish prima facie offences under Sections 499/500 IPC.

78. In the case of Shobhana Bhartia vs. State (NCT of Delhi), 2007 SCC OnLine Del 1301 a co-ordinate bench of this Court observed that the Chairman or the Managing Director of the Company owning a newspaper is neither the Editor, nor the Printer nor the Publisher and therefore, no presumption could be drawn against holder of these offices even though they are, by reason of the offices held by them, In charge of and responsible to, the company for the conduct of its business.

79. Furthermore, in Jaideep Bose vs. M/s. Bid and Hammer Auctioneers Private Limited, Criminal Appeal No. 814 of 2025 decided on 18.02.2025, the Appellant was the Editorial Director of Bennett Coleman & Co. Ltd., and was summoned for defamation relating to news articles published in various newspapers owned by the company. The Apex Court held that merely because a person holds the position of *Editorial Director*, does not automatically make him liable for defamatory content in the absence of specific allegations demonstrating his direct involvement in the publication process. It was observed as under:

“ ... The complaint merely alleges that the Appellant (A2) oversaw the publications. No other averments were made to establish as to how the appellant (A2) was responsible for controlling the selection of contents of the newspaper publications. Furthermore, as already stated above, he is the editorial director of the company and not of the individual newspapers. Thus, in our view, such a broad, general or blanket statement without specific or



substantive details cannot justify the issuance of summons.”

80. The Apex Court in Jaideep Bose, (supra) further clarified the distinction between the statutory presumption applicable to an “editor” under Section 7 of the Press and Registration of Books Act, 1867, and persons holding other administrative positions. The Court observed that the key distinction is that unlike an editor, against whom a statutory presumption is imposed, there is no such presumption against the *editorial director* at the outset. Reliance was placed on Gambhirsinh R. Dekare vs. Falgunbhai Chimanbhai Patel, (2013) 3 SCC 697 wherein it was observed that while the Act does not recognize any other legal entity viz. *Chief Editor, Managing Editor, etc.* for raising a presumption, ***such individuals can still be proceeded against, but only when specific allegations are made against them.***

81. The allegations against Mr. Vineet Jain, Mr. Samir Jain, Mrs. Indu Jain and Mr. Shrijeet Ramakanta Mishra, the Directors and senior Management of Bennett Coleman & Co. Ltd. rest solely on their official capacities, with no direct evidence or specific assertions linking them to the editorial decision-making, content creation, or broadcast approval of the televised programme in question. Neither the Complaint, nor the pre-summoning evidence delineates a specific, incriminating role played by these individuals in the editorial process or the broadcast of the allegedly defamatory television program.

82. The Complaint does not contain any averment regarding who was responsible for editorial content, who had the authority to approve programs, or what role, if any, the board members of the parent Company played in the



day-to-day editorial operations of the news channel. Furthermore, the Complaint fails to detail the actual role or involvement of these Petitioners from the general functions of corporate management.

83. Thus, in the absence of concrete material showing their direct nexus to the publication of the alleged defamatory broadcast, *the Complaint and summoning Order, as far as these Directors, namely, Mr. Vineet Jain, Mr. Samir Jain, Mrs. Indu Jain and Mr. Shrijeet Ramakanta Mishra are concerned, is liable to be quashed.*

Liability of Arnab Goswami:-

84. Defamation under Section 499 IPC *necessitates both an intention to harm or knowledge that the imputation is likely to cause harm, and that the imputation must be capable of lowering the reputation of the person in the estimation of others.* In other words, *the essence of defamation lies not merely in the making of an imputation but in its effect on the perception of the public, thereby impacting the standing of the person in society.*

85. The intrinsic facet of “Defamation”, is “*harm to Reputation*” or lowering the estimation of a person in public domain. This makes it pertinent to understand what constitutes reputation.

86. In Manisha Koirala vs. Shashi Lal Nair, (2003) 2 Bom CR 136, the term “reputation” was held to be that allusions which clearly expose the innate universal value of reputation and how it is a cherished constituent of life and not limited or restricted by time. It has regard, not to intellectual or other special acquirements, but to that reputation which is slowly built up by integrity, honourable conduct, and right living. The right to reputation in



its vital aspect, is not concerned with fame or distinction. It is, therefore, reputation alone that is vulnerable; character needs no adventitious support.

87. Thus, it may be concluded that the offence of defamation involves:

- (i) *whoever, by **words** either spoken or intended to be read, or by signs or by visible representations, **makes or publishes**;*
- (ii) *any **statement or imputation**;*
- (iii) *the imputation must have been made with the **intention** or knowledge or having reason to believe that it will harm the reputation of the person about whom it is made; and*
- (iv) *which is a **tendency to harm the reputation of the person or lower him in estimation of members of the Society resulting in loss of reputation** and is consequently defamatory.*

88. Section 499 IPC speaks of proof of “malice in fact” which is present when the ill intention translates into a deliberate act that injures another in an unlawful manner with the motive to cause such harm as explained in W.B. SEB vs. Dilip Kumar Ray, (2007) 14 SCC 568 : (2009) 1 SCC (L&S) 860. Actual malice is a question of fact which requires specific proof.

89. This aspect was also considered in Jeffrey J. Diermeier vs. State of W.B., (2010) 6 SCC 243, wherein the Apex Court held that there must be an imputation and such imputation must have been made with the intention of harming or knowing or having reason to believe that it will harm the reputation of the person about whom it is made to constitute defamation under Section 499 IPC.

90. It would thus, be sufficient to show that the accused intended or knew or had reason to believe that the imputation made by him would harm the



reputation of the complainant, irrespective of whether the complainant actually suffered directly or indirectly from the imputation alleged.

91. The balancing of rights between freedom of speech under Article 19(1)(a) and the right to reputation under Article 21 has been addressed by this Court in TV Today Network Pvt. Ltd. vs. Newslandry & Ors., Civil Suit (Commercial) 551/2021 decided on 29.07.2022. The Court observed that while reputation is an integral part of the dignity of an individual, and both Article 19(1)(a) and Article 21 rights must be balanced, the courts have recognized that certain content falls outside the scope of actionable defamation.

92. In Subramanian Swamy, (supra) the Apex Court while upholding the constitutionality of the offence of Criminal defamation under Section 499 IPC observed that right to reputation is an inherent aspect of Article 21 and one's right must be exercised so as not to come in direct conflict with the right of another citizen.

93. The Apex Court in the case of Sanjay Upadhyay vs. Anand Dubey, 2024 INSC 66 decided on 29.01.2024, while dealing with defamation under Section 500 IPC regarding the publication of a news article, upheld the Ld. M.M.'s Order, recognizing that the *publication in question was made in good faith and in exercise of the Fundamental Right of Freedom of Speech and Expression under Article 19(1)(a) of the Constitution*. The Court concluded that the news article did not warrant prosecution and quashed all proceedings, emphasizing that ***honest reporting, absent malice, is protected by the freedom of speech.***



94. In the present case, the only allegations in the Complaint against Arnab Goswami, who hosted the Show was that he used the words “*gunda*” and “*hooligan*” against him, which were defamatory.

95. As per the *Cambridge dictionary*, Hooligan refers to *a violent person who fights or causes damage in public places*. As per the *Merriam-Webster dictionary*, Hooligan is defined as *a usually young man who engages in rowdy or violent behavior especially as part of a group or gang*.

96. These averments requires a holistic assessment of the broadcast in its proper context. The Times Now debate of 19.02.2016 must be viewed in the context of the violent incidents that had just occurred at Patiala House Court and the Supreme Court’s repeated interventions to ensure security. Furthermore, the extensive media coverage surrounding these events, along with the Complainant’s own admissions regarding his violent conduct, must be considered. When assessed in this context, a reasonable viewer would perceive the programme as legitimate journalistic commentary on matters of significant public concern, rather than as a malicious attack on an individual’s reputation.

97. The terms “*gunda*”, “*hooligan*” and “*rogue lawyers*” used during the broadcast, while perhaps is lacking in refined language and may certainly be in poor taste and reflect social or moral criticism, but it merely described the conduct of the Complainant by using colloquial words and did not cast any aspersions on his dignity or character. Such words do not constitute *criminal defamation* in the absence of evidence showing false or malicious intent to harm the Complainant’s reputation beyond fair journalistic comment on publicly substantiated events.



98. Furthermore, as established above, the essence of defamation under Section 499 IPC lies in making imputations that lower a person's character or reputation in the estimation of others. Explanation 4 to Section 499 IPC explicitly provides that *"No imputation is said to harm a person's reputation, unless that imputation directly or indirectly, in the estimation of others, lowers the moral or intellectual character of that person, or lowers the character of that person in respect of his caste or of his calling, or lowers the credit of that person"*. A critical distinction must be drawn between imputations concerning inherent character or moral standing, and descriptions of observed conduct in a specific factual context.

99. The terms used during the broadcast were not imputations regarding Respondent No. 2's character or professional competence. Though may not be appropriate but these were mere descriptions of his documented conduct during the violent incidents at Patiala House Court. Where conduct itself is violent, rowdy, and criminal, describing it in strong terms does not constitute defamation merely because more polite language could have been used. Therefore, the essential ingredient of defamation i.e. the imputation must lower reputation in respect of one's character or calling, is conspicuously absent.

100. The exceptions to Section 499 IPC further gives protection when statements relate to matters of public concern, are based on truth, and are made in good faith for public good. The broadcast neither invented facts nor relied on rumour; rather, it directly addressed the Respondent's reported conduct and the documented failure of authorities to enforce law and order.

101. *Thus, the Complaint and summoning Order against the Petitioner/Arnab Goswami is also liable to be quashed.*



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Conclusion:-

102. In the light of aforesaid discussion, it is held that the Complaint does not contain any allegations to establish defamation by any of Petitioners.

103. The continuation of the criminal proceedings against the Petitioners, would be an abuse of the process of the Court, as held in the case of *State of Haryana vs. Bhajan Lal*, 1992 Supp (1) SCC 335. Accordingly, Complaint Case No. 9922/2017 pending before the learned M.M., New Delhi, along with the Summoning Order dated 28.02.2018 and all the proceedings arising therefrom, are hereby quashed.

104. The Petitions are **allowed** in the above terms. Pending application(s), if any, are accordingly disposed of.

(NEENA BANSAL KRISHNA)
JUDGE

NOVEMBER 04, 2025

Va/sa