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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CRL.M.C. 4374/2013**

MRS INDU JAIN & ORS

.....Petitioners

Through: Mr. R.K. Handoo, Mr. Yoginder
Handoo and Mr. Gaurav
Vishwakarma, Advocates.

versus

STATE & ORS

.....Respondents

Through: Mr. Hemant Mehla, APP for State.
Mr. Vijay Aggarwal, Mr. Pankush
Goyal, Mr. Kartikay Kumar,
Mr. Santosh Kumar Yadav and
Mr. Gagan Gandhi, Advocates for R-
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CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

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23.09.2025

CRL.M.A. 28733/2025 (for impleading two accused as Petitioners in the instant petition and for deletion of Petitioner No. 1 due to her demise)

1. For the grounds and reasons stated in the application, read with order dated 28th August, 2025, the application is allowed and parties, who are identified as accused Nos. 1 and 10 in the underlying complainant are impleaded as parties to the present petition. Further, since Mrs. Indu Jain, Petitioner No. 1, has deceased, her name is deleted from the array of parties.
2. The amended memo of parties is taken on record and the application is disposed of.

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3. The present petition filed under Section 482 of the Code of Criminal



Procedure, 1973¹ seeks quashing of the Criminal Complaint No. 54/1/2011 as well as the summoning order dated 24th July, 2013 issued against the Petitioners. By the said order, the Petitioners were summoned for the offence punishable under Section 500 of the Indian Penal Code, 1860².

4. The complaint traces its origin to a publication dated 19th October, 2010, on the *Times of India* portal. It is undisputed that the same publication also formed the subject matter of Civil Suit No. 145/2010, which came to be resolved *vide* order dated 18th January, 2011. The said order records that the defendants therein, had expressed regret, tendered an apology, and removed the impugned article from the website. In disposing of the suit, the Court directed that any future publication concerning the plaintiff be made only after due verification of its veracity. The operative portion of the decree reads as follows:

“The apology has been tendered by the defendants. Suit not pressed against defendants no. 3 and 5 who have now stated to have left the services of defendant no. 1. Accordingly suit stands dismissed against defendant no. 3 and 5. The apology is filed on the record which is extract from the website. The same has also been checked by the plaintiff. The relief sought is that a decree of declaration be passed that defendants should not publish any wrong and defamatory material without being verified regarding the veracity of the same and further to remove the defamatory article from the website. Thus nothing survives in the matter and the suit can be disposed off u/o 12 Rule 6 CPC. The defendants also do not want to pursue the case any further. Hence, I hereby decree the suit by giving the directions to the defendants that contents of any news regarding the plaintiff be first verified from the originated source and after they are sure regarding the veracity of the same then only it should be published. The relief of mandatory injunction is already achieved as the material has already been removed as extract ex, PX filed by the defendant. Accordingly suit stands decreed against defendants no. 1,2,4,6,7 and 8 in above terms. Decree sheet be prepared consigned to record room.”

¹ “CrPC”

² “IPC”



5. It thus stands acknowledged that the civil dispute was settled on the basis of a corrigendum published by *Times of India*, accompanied by an apology placed on record as Exhibit PX.

6. Since the underlying criminal complaint stems from the very same publication, and the civil suit arising therefrom already stands resolved amicably, the Court queried whether there was any justification for the criminal proceedings to survive in the face of such settlement. Counsel for the Complainant pointed out that the civil suit had been resolved “without prejudice” to their rights in the criminal complaint. Nonetheless, this Court observed that once an apology had been issued and accepted in parallel proceedings, the continuation of the complaint merited reconsideration. Accordingly, by order dated 28th August, 2025, it was observed:

“1. The present petition filed under Section 482 of the Code of Criminal Procedure, 1973 seeks quashing of the Criminal Complainant No. 54/1/2011 as well as the summoning order dated 24th July, 2013 issued against the Petitioners. By the said summoning order, the Petitioners were summoned for the offence punishable under Section 500 of the Indian Penal Code, 1860.

2. Mr. R.K. Handoo, counsel for the Petitioners, states that Petitioner No. 1, Ms. Indu Jain, Chairperson of Bennett Coleman & Company Ltd. (arrayed as Accused No. 2 in the complaint), has passed away during the pendency of the present proceedings. He submits that he shall file a copy of the death certificate along with an amended memo of parties. Petitioners No. 2 and 3 are the Vice-Chairman and the Managing Director, respectively, of Bennett Coleman & Company Ltd., and have been arrayed as Accused Nos. 3 and 4 in the complaint.

3. It is an admitted fact, that besides the subject complaint, a civil suit [bearing No. 145/2010] involving the same subject matter was decreed by the concerned Court by order dated 18th January, 2011, in the following terms:

“The apology has been tendered by the defendants. Suit not pressed against defendants no. 3 and 5 who have now stated to have left the services of defendant no. 1. Accordingly suit stands dismissed against defendant no. 3 and 5. The apology is filed on the record which is extract from the website. The same has also been checked by the plaintiff. The relief sought is that a decree of declaration be passed that



defendants should not publish any wrong and defamatory material without being verified regarding the veracity of the same and further to remove the defamatory article from the website. Thus nothing survives in the matter and the suit can be disposed off u/o 12 Rule 6 CPC. The defendants also do not want to pursue the case any further. Hence, I hereby decree the suit by giving the directions to the defendants that contents of any news regarding the plaintiff be first verified from the originated source and after they are sure regarding the veracity of the same then only it should be published. The relief of mandatory injunction is already achieved as the material has already been removed as extract ex, PX filed by the defendant. Accordingly suit stands decreed against defendants no. 1,2,4,6,7 and 8 in above terms. Decree sheet be prepared consigned to record room."

4. *As evident from the above order, the settlement between the parties was premised on a publication made by the Times of India, expressing regret for the error and tendering an apology to the Complainant. This corrigendum was placed on record in the civil suit as Exhibit PX.*

5. *Mr. Gagan Gandhi, counsel for the Complainant, submits that he has no objection to the present complaint also being disposed of in light of the settlement recorded in the civil suit, which was based on the corrigendum issued by the Times of India (Exhibit PX).*

6. *In response, Mr. Handoo submits that since the corrigendum was issued by Times of India, any undertaking in the present proceedings to that effect can only be furnished by Bennett Coleman & Company Ltd. Mr. Gandhi is agreeable. Accordingly, Mr. Handoo submits that he shall also implead Bennett Coleman & Company Ltd. (arrayed as Accused No. 1 in the complaint) as well as other co-accused, so that the dispute can be comprehensively settled.*

7. *Although, a copy of Exhibit PX has been handed over across the board, for the completeness of the record, either party may file a copy thereof from the record of the civil suit.*

8. *List for appropriate order(s) on 23rd September, 2025."*

7. Pursuant thereto, both sides expressed their willingness to resolve the matter, particularly since the complaint has remained pending since 2013.

8. The Petitioners have now filed an application supported by affidavit and board resolution in favor of Mr. Abraham Mathews, authorising to act on behalf of M/s. Bennett Coleman & Company, stating inter-alia as follows:



“5. That the grievance of the complainant was with regard to the publication of news items online dated 19.10.2010 referring to searches conducted by Income Tax against Respondent No.2, where inadvertently in the caption of news the word "CBI" figured instead of word "Income Tax".

6. That for this inadvertent error, the company BCCL tendered apology, which was accepted in Civil Suit filed by Respondent No.2 on record and corrigendum marked as **ExPx** of news was issued on 11.01.2011, which was handed over during hearing on 28.08.2025 by rival parties and is still available on the website. Copy of same is annexed hereto as **Annexure A-2**.

7. That during the proceedings dated 28.08.2025 before this court, it was agreed to close the entire matter, including against other accused, who have not filed instant petition, viz. the company BCCL, (A-I) and Vikas Singh, (A-10), hence prayer for impleading applicant accused company(A-I) and (A-I0), viz. Vikas Singh as petitioners in this petition.

8. That impleadment of new petitioners is on same pleading and contentions and in view of the apology tendered by the Company in civil suit, the criminal complaint of defamation No.54/1111 pending before Ld. MM also against A-I & A-I0 does not survive as apology of the company, BCCL in the civil suit would permeate and cover the whole complaint including instant proceedings of defamation against the company, particularly in view of settlement in the civil suit, which have been duly recorded by the Hon'ble Court in order dated 28.08.2025.”

9. Indeed, Bennett Coleman & Company Ltd. (BCCL) had already tendered an apology in the civil suit, with the corrigendum published on 11th January, 2011 (Exhibit PX). The Petitioners now seek to extend the effect of that apology to cover the present criminal proceedings as well. For completeness, BCCL (Accused No. 1) and Vikas Singh (Accused No. 10), who were not initially petitioners, have been added as parties and the settlement encompasses all accused persons.

10. Mr. R.K. Handoo, counsel for the Petitioners, submits that Bennett Coleman & Company Ltd. shall continue to remain bound by the undertaking recorded in the order of the civil suit dated 18th January, 2011. He further states that, in order to effectuate the settlement, the corrigendum tendering an apology will be republished on the *Times of India* website and



displayed for two days from the date of uploading of this order.

11. Mr. Vijay Aggarwal, counsel for the Complainant, confirms that in light of the apology and undertaking, the Complainant does not wish to pursue the criminal complaint any further.

12. In these circumstances, and bearing in mind that the publication at the heart of the complaint has already been withdrawn, an apology tendered and accepted, and both parties have now agreed to bring the dispute to a close, the continuation of proceedings would serve no useful purpose. Exercising inherent jurisdiction under Section 482 of the Code to secure the ends of justice and prevent abuse of process, Criminal Complaint No. 54/1/2011 and the summoning order dated 24th July, 2013, are accordingly quashed.

13. The petition is disposed of in the above terms.

SANJEEV NARULA, J

SEPTEMBER 23, 2025/nk