



CRM-A-3048-2019 (O&M)

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

**CRM-41008-2019 in/&
CRM-A-3048-2019 (O&M)**

Gurbax Singh

....Applicant

V/s

Gurnam Singh and others

....Respondents

Date of Reserve: 12.05.2026**Date of Pronouncement: 14.05.2026****Date of Uploading : 14.05.2026****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. R.K. Singla, Advocate for the petitioner.

SUMEET GOEL, J.**CRM-41008-2019**

Instant application, under Section 5 of the Limitation Act read with Section 482 of Cr.P.C., has been filed seeking condonation of delay of 26 days in filing the application under Section 378(4) Cr.P.C. for grant of leave to appeal.

For the reasons mentioned in the application, the same is allowed. The delay of 26 days in filing the application under Section 378(4) Cr.P.C. for grant of leave to appeal is hereby condoned.

CRM-A-3048-2019

1. Present application under Section 378(4) read with Section 482 of the Code of Criminal Procedure has been filed by the applicant seeking grant of special leave to appeal against the judgment dated 27.08.2019 passed by the learned Judicial Magistrate Ist Class, Phillaur, whereby the



respondents/accused have been acquitted of the charges under Sections 500, 182 and 506 of the IPC in Criminal Complaint No.68 of 2015.

2. The factual matrix, as unfolded in the complaint in question, is that the applicant/complainant has alleged that there exist civil as well as criminal litigation between the parties arising out of village factionalism and property disputes. It has been further pleaded that respondent - Buta Ram, allegedly acting at the instance of accused Kharak Singh (since deceased), had been pressurizing the applicant to compromise and withdraw the pending criminal proceedings. Upon refusal by the applicant, the respondents allegedly moved a false application dated 20.09.2014 before the Senior Superintendent of Police (Rural), Jalandhar, levelling allegations against the applicant and one Sandeep Kaur. It has been alleged in the said application that the applicant had instigated Sandeep Kaur to abuse and threaten the respondents and their family members. The application was marked for inquiry by the DSP, Nakodar/Phillaur. According to the complainant, the inquiry report ultimately found the allegations to be false and frivolous. On the basis thereof, the applicant instituted a criminal complaint alleging commission of offences punishable under Sections 500, 182 and 506 IPC, asserting that the false complaint had lowered his reputation in the eyes of villagers and members of society. On perusal of the record, it transpires that initially the learned trial Court has declined to summon the accused and dismissed the complaint. Aggrieved, the applicant-complainant filed revision petition whereinafter, in revision proceedings, the matter was remanded and the respondents were summoned. Thereafter, pre-charge evidence as well as after-charge evidence was led by the



prove the complaint made before the police authorities and the inquiry report. The respondents, in their statements under Section 313 Cr.P.C., denied the allegations and pleaded false implication. The learned trial Court, after appreciating the evidence on record, acquitted the respondents by holding that the case of the accused fell within exception eight to Section 499 IPC and that no offence under Section 506 IPC stood established.

3. Assailing the judgment of acquittal, learned counsel for the applicant has vehemently contended that the impugned judgment suffers from gross illegality and misreading of evidence. Learned counsel has further iterated that the trial Court has ignored the material circumstance that the allegations levelled by the respondents in their application before the concerned SSP were found false during police inquiry. It has been further contended that once the allegations stood disproved in the inquiry, the necessary ingredients of defamation were fully established and the respondents could not claim protection under exception eight to Section 499 IPC. According to learned counsel, the trial Court has wrongly shifted the burden upon the complainant whereas under law the burden to prove good faith and applicability of exceptions to Section 499 IPC lies upon the accused. In this regard, learned counsel has placed reliance on the judgment of the Hon'ble Supreme Court titled as ***Chaman Lal v. State of Punjab 1970 AIR (Supreme Court) 1372*** to contend that good faith is not to be presumed and the accused must establish that the allegations were made after due care and caution, without malice and after proper inquiry. It has been further contended that no evidence has been produced by the respondents to establish *bona fide* conduct or due diligence before making



failed to appreciate that no suggestion was put during cross-examination that the respondents had made any prior inquiry or acted after exercising due care and caution. According to the learned counsel, the learned Magistrate has wrongly drew adverse inference against the complainant for non-examination of Sandeep Kaur and members of the public despite the fact that the defamatory allegations were contained in a written complaint addressed to senior police authorities and publication itself stood proved on record. On the strength of these submissions, the grant of petition in hand is entreated for.

4. I have heard learned counsel for the applicant-complainant and perused the available record.

5. At the outset, it is pertinent to mention herein that in adjudicating an appeal against an order of acquittal, the appellate Court operates within a narrowly circumscribed framework. It is a settled legal principle that acquittal by a trial court carries a presumption of innocence, further strengthened by the findings of the trial Court. The appellate Court is requested to be cautious while engaging in a wholesome reappraisal or assessment of evidence unless the conclusions drawn by the trial Court are patently perverse, unreasonable, or unsupported. The principles governing the scope of interference by the High Court in an appeal against the judgment of acquittal, have been laid down by the Hon'ble Supreme Court in the judgment passed in the case titled as ***Babu Sahebagoada Rudragoudar and others versus State of Karnataka, 2024 INSC 320 = 2024(2) Law Herald (SC) 928*** held as under:

“39. Thus, it is beyond the pale of doubt that the scope of interference by an Appellate Court for reversing the judgment of



acquittal recorded by the trial Court in favour of the accused has to be exercised within the four corners of the following principles:-

- (a) That the judgment of acquittal suffers from patent perversity;*
- (b) That the same is based on a misreading/omission to consider material evidence on record;*
- (c) That no two reasonable views are possible and only the view consistent with the guilt of the accused is possible from the evidence available on record.”*

Thus, the present application seeking leave to appeal must be examined in context and after drawing guidance from the aforementioned principles.

6. It is well settled that interference against an order of acquittal while exercising jurisdiction under Section 378(4) Cr.P.C. is to be made only where the findings recorded by the trial Court are perverse, wholly unreasonable or based upon complete misreading of evidence. If the view adopted by the trial Court is a possible and plausible view arising from the evidence on record, the High Court would be slow in granting leave to appeal merely because another view may also be possible. From the evidence led in the present case, it emerges that the impugned allegations were made by the respondents by way of a complaint addressed to the SSP, Jalandhar (Rural) which was a competent authority empowered to inquire into grievances and allegations concerning maintenance of law and order. The learned trial Court has rightly noticed that the contents of the complaint disclosed that respondent Buta Ram had acted upon information conveyed to him by female members of his household regarding the alleged conduct of Sandeep Kaur and the complainant. The complaint was, thus, preferred before the concerned authority seeking inquiry into the matter. Merely



the allegations would not *ipso facto* establish commission of the offence of defamation. It is settled law that to attract criminal liability for defamation, the complainant must establish not only publication of imputation but also the requisite intention or knowledge to harm reputation subject to statutory exceptions recognized under Section 499 IPC. In the considered opinion of this Court, the learned Magistrate has elaborately examined exception eight to Section 499 IPC, which protects accusations preferred in good faith to a person having lawful authority over the person complained against. The finding returned by the trial Court that the respondents had approached the police authorities for redressal of grievance and protection of their rights cannot be said to be either illegal or perverse.

7. The judgments relied upon by the applicant do not advance the case in the peculiar factual *milieu* of the case in hand. There can indeed be no dispute regarding the proposition that the burden to establish applicability of an exception under Section 499 IPC rests upon the accused and that the good faith has to be established on the touchstone of preponderance of probabilities. However, the standard required is not proof beyond reasonable doubt. In the present case, the surrounding circumstances noticed by the learned trial Court, namely existence of prior disputes between the parties, pendency of litigation, narration of the incident to respondent Buta Ram by female family members and the fact that the complaint was submitted only to police authorities competent to inquire into the allegations, were sufficient for the Court below to conclude that the respondents acted under a belief that intervention of police authorities was necessary.



8. Furthermore, the applicant-complainant has failed to examine Sandeep Kaur, who was allegedly the principal participant in the occurrence and also the form the subject matter of the complaint before the SSP. In the considered opinion of this Court, her testimony would have been material for establishing the allegations as well as malicious intent of the respondents. Moreover, no independent witness from the village or Society was examined to establish that the reputation of the complainant had actually been lowered in the estimation of others because of the complaint addressed to the police authorities. The learned trial Court has also rightly observed that there was no substantive evidence brought on record to establish ingredients of criminal intimidation punishable under Section 506 IPC. Bald assertions without specific proof regarding threats cannot sustain conviction for the said offence.

9. In the considered opinion of this Court, the appreciation of evidence by the learned Magistrate is based upon proper analysis of the evidence on record as also the statutory provisions. No perversity much less illegality or material misreading of evidence has been pointed out warranting interference by this Court in exercise of jurisdiction under Section 378(4) Cr.P.C. It is trite law that where two views are possible on the evidence adduced, the appellate Court ought not to substitute its own view merely because another interpretation may also be possible. Presumption of innocence stands further strengthened by acquittal recorded by the trial Court. In the facts and circumstances of the entire case, the learned Court below, has rightly arrived at the conclusion that the story put forth by the complainant was false and the allegations raised lack substance.



the real genesis of the case. However, the Court below has meticulously and judiciously examined the matter, appreciating the facts and evidence in the proper context.

10. A perusal of the impugned judgment of acquittal passed by the Court below shows that the entire evidence led by the prosecution has been gone through in detail and in a painstaking manner and has dealt with each and every aspect of the case in a pragmatic manner. The judgment of acquittal is based on sound reasoning; does not suffer from any illegality or perversity. Consequently, this Court does not find any ground to grant special leave to appeal against the judgment dated 27.08.2019 passed by the learned Judicial Magistrate Ist Class, Phillaur. Accordingly, the present application seeking special leave to appeal stands dismissed.

11. Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

May 14, 2026

Ajay

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