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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-48906-2019

Date of Decision:- 06.02.2026

Uploaded on : 06.02.2026

AMRISH GOYAL

.....Petitioner

VERSUS

VINAY KUMAR BANSAL

.....Respondent

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

Present:- Mr. Liaqat Ali, Advocate
for the Petitioner.

Mr. S.K. Tripathi, Advocate
for the respondent.

JASJIT SINGH BEDI, J.

The prayer in the present petition under 482 Cr.P.C. is for quashing of the complaint Case No.251/2014 dated 10.11.2014 (Annexure P-1) registered under Sections 499 & 500 IPC pending in the Court of the CJM, Panchkula titled as '*Vijay Kumar Bansal Vs. Amrish Goyal*', the order dated 19.05.2015 (Annexure P-3) summoning the accused under Section 500 IPC passed by the JMIC, Panchkula and all subsequent proceedings arising therefrom.

2. The brief facts of the case are that petitioner-Amrish Goyal filed a criminal complaint under Sections 499 & 500 IPC against the present respondent and certain other persons under Sections 392, 323, 452, 504, 506, 427 IPC. On conclusion of the Trial, the accused in the said complaint were acquitted by the Court of ACJM-III, Saharanpur vide judgment dated 01.12.2012 (Annexure P-2). The relevant extract of the judgment is as



under:-

“Under Section 246 Cr.PC the only witness complainant Amrish was got examined who is the complainant. In the argument of the defence dated 20.11.2012, the aforesaid witness has stated that it is correct that the accused and he are relatives and it is also correct that a dispute was going on between his brother-in-law Naresh and Garima and with regard to that dispute all the accused have come to his house to talk about the decision. When they were about to leave then they got into an argument. At that time the people of nearby gathered there. He do not know where his HMT watch fell after being broken and where does Rs. 1100/- fell out of his pocket in the dhakka mukki. The fight took place on road outside the drawing room. None of the accused has beaten him. The allegation of being abused and threatening to kill were got written by him on the insistence of the people. It is correct that he had entered into an agreement with the accused.

Like this, whereas the complainant in his statement U/S 244 Cr.PC has supported the complaint, on the other hand on date 20.11.2012 during the cross examination this witness has stated that he and the accused are relatives. His brother-in-law Naresh and Garima was having a dispute amongst them at that time and all the aforesaid accused has come to his house for decision with regard to that dispute. When they were about to leave then they got entangled in an argument. At that time the nearby people gathered there. He do not know where his HMT watch fell after being broken and where does Rs. 1100/- fell out of his pocket in the dhakka mukki. The fight took place on road outside the drawing room. None of the accused has beaten him. The allegation of being abused and threatening to kill were got written by him on the insistence of the people. In the suggestion given by the Defence, this witness has also stated that it is correct that he had entered



into an agreement with the accused.

Like this the complainant has clearly stated that the accused has not beaten him up, they have not abused him and have not threatened to kill the complainant. The complainant has also stated that it happened outside the drawing room and have stated with regard to the watch and Rs. 1100/- that he does not know where they have felt in the dhakka mukki. Like this from the statement of the complainant, the complaint is not proved to be away from doubt.

Besides, the oath letter dated 24.08.2012 presented by the complainant is also attached with the case file in which the complainant has stated that he has entered in to a Compromise with the opposite party. He does not want to fight the case. Besides this, from the statement of the complainant and the oath letter and on the advice of the defence decision has been arrived at with the accused. It appears that both the parties have settled their dispute out of court.

Like this, from the record available on the case file, the allegation against the accused appears to be doubtful. The accused are liable to be set free.

ORDER

The accused Garima alias Santosh and Vijay Kumar are set free from allegations leveled against them U/S 147,452,427,506 IPC. The accused are on bail. Their personal bandh pattar are made ineffective and Prati Bhushan is freed from the responsibility of bail.”

3. Pursuant thereto, the respondent instituted the instant complaint dated 10.11.2014 (Annexure P-1) against the petitioner under Sections 499 & 500 IPC with the allegations that he (respondent) had faced trial in the Courts at Uttar Pradesh (U.P.) for the last 25 years to prove his innocence.

His reputation had been damaged being subjected to unnecessary and unwanted litigation. However, after a trial he along with his co-accused had

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been acquitted by the Courts at U.P. Pursuant thereto, the complainant therein (the present petitioner) had threatened him and his family members on 23.08.2013. Therefore, the petitioner was liable to be summoned to face Trial.

4. Based on the complaint dated 10.11.2014 (Annexure P-1) under Sections 499 & 500 IPC, the petitioner came to be summoned vide order dated 19.05.2015 (Annexure P-3) under Section 500 IPC.

5. The instant petition has been filed challenging the aforementioned complaint and summoning order.

6. The learned counsel for the petitioner contends that the allegations levelled in the complaint and the consequential summoning order are baseless. While, it is true that petitioner-Amrish Goyal had filed a complaint in the Courts at U.P. against the respondent and others, a settlement had been arrived at because of which the accused therein had been acquitted. The acquittal was recorded on account of the settlement only. Once a settlement had been arrived at and the accused had been acquitted, the question of the petitioner threatening the respondent (accused in the original complaint) on 23.08.2013 does not arise. He, therefore, prays that the complaint dated 10.11.2014 (Annexure P-1) and summoning order 19.05.2015 (Annexure P-3) be quashed.

7. On the other hand, the learned counsel for the respondent contends that the respondent and others had to suffer trial for 25 years leading to hardship and loss of reputation. Ultimately, they were acquitted. It was in those circumstances that the instant complaint was filed. Therefore,

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as the offence is *prima facie* established, the present petition is liable to be dismissed.

8. I have heard the learned counsel for the parties.

9. As per the allegations of the respondent-complainant, he along with his co-accused had been acquitted on merits vide judgment dated 01.12.2012 passed by the ACJM-III, Saharanpur. They had to suffer loss of reputation and hardship on account of facing the trial for 25 years. This led to them being defamed and therefore, *prima facie*, the summoning order had been rightly passed.

10. The allegations levelled are baseless. A perusal of the judgment of acquittal dated 01.12.2012 extracted above would show that in fact a compromise has been arrived at between the parties. In addition, it has been mentioned by way of an observation that the allegations levelled by the petitioner in the said complaint appear to be doubtful. However, the thrust of the judgment of acquittal is that a compromise has been arrived at. Further, merely facing trial and being acquitted would not amount to *per se* defamation. If this be the case, then every case of acquittal would lead to a consequential complaint for defamation. In order to initiate proceedings for defamation, the order of acquittal must record a categorical finding that the judicial proceedings instituted were with *mala fide* intention to defame. A simplicitor judgment of acquittal, by no stretch of imagination can lead to a consequential complaint for defamation.

11. In view of the above, I find considerable merit in the present petition. Therefore, the complaint Case No.251/2014 dated 10.11.2014



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(Annexure P-1) registered under Sections 499 & 500 IPC, the order dated 19.05.2015 (Annexure P-3) summoning the accused under Section 500 IPC and all subsequent proceedings arising therefrom stand quashed.

(JASJIT SINGH BEDI)
JUDGE

06.02.2026
JITESH

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>