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

% ***Reserved on: 03rd September, 2026***

Pronounced on: 27th October, 2026

Uploaded on: 28th October, 2026

 # CNR No. : DLHC011020752024

+ RFA 56/2025

Jai Gupta
S/O Late Sh. Major N.N Gupta (Vsm)
R/O 231, RPS DDA Flats,
Sheikh Sarai Phase-1, New Delhi. ..... Plaintiff

Through: Ms. Arunima Gupta, Advocate.

versus

Sunil Kumar Roy
S/O Late Sh. Major N.N. Gupta (Vsm)
R/O 181, Amrapali Apartment,
56, IP Extension, Patparganj,
New Delhi. .....Respondent

Through: Mr. Ankur Dhall, Advocate.

CORAM:
HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U D G M E N T

NEENA BANSAL KRISHNA, J.

1. Regular First Appeal under Section 96 read with Order XLI of the Code of Civil Procedure, 1908 (*hereinafter referred to as 'CPC'*) has been filed on behalf of the Plaintiff /Plaintiff, Jai Gupta, against the Order dated 16.08.2024, *whereby the Plaintiff's Suit bearing CS No. 91/2023 for damages for Rs.10,00,000/- on account of Defamation, was* ***rejected*** *under Order VII Rule 11 CPC.*

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2. **The facts in brief, as narrated in the Plaint,** are that the Plaintiff has been a practicing advocate at Patiala House Courts, New Delhi, since September 1989 until mid-2018, and belongs to an established family of lawyers. It was averred that both his late parents were advocates who practised in the Supreme Court of India, Delhi High Court and the District Courts. His elder real brother had served as a judicial officer in the Delhi Higher Judicial Services, before retiring in 2020.

3. The Respondent was also a practising advocate at Patiala House Courts and was known to the Plaintiff, as he occupied a neighbouring chamber and frequently visited the Plaintiff's chamber, to seek legal advice and have tea with him.

4. The Plaintiff contended that, in May 2017, the Respondent approached him for financial assistance by way of a loan of ₹2, 00,000/. The Respondent was allegedly facing severe financial difficulties, owing to criminal and civil proceedings initiated by one Sh. Dinesh Verma against him and his wife, in connection with alleged financial wrongdoing involving ₹30,00,000/-, in respect of which an FIR was registered, and a Summary Suit was pending.

5. Considering the Defendant's financial difficulties, the Plaintiff advanced a loan of ₹2, 00,000/- to him at his chamber, on 29.05.2017. The Respondent issued a post-dated cheque dated 29.08.2017 for ₹2, 00,000/- and assured the Plaintiff that the cheque would be honoured upon presentation.

6. From 29.08.2017 onwards, the repeatedly requested the defendant to repay the loan. However, the Defendant requested him not to present the cheque, stating that he was facing financial difficulties, and assured him that

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Signing Date:28.10.2026 16:51:27

the amount would be repaid once his financial position improved. Acting upon these assurances, the plaintiff did not present the cheque for encashment, during its three-month validity period.

7. On 03.03.2022, when the plaintiff visited Patiala House Courts, the Defendant approached him and requested him to waive the outstanding loan of ₹2, 00,000/. The Defendant asserted that, had the Plaintiff transferred his earlier Chamber in his favour instead of surrendering it to the Bar Council, he would have returned the loan amount. However, since the Chamber had already been surrendered, the plaintiff was told to forget about his money.

8. The Plaintiff declined to waive the loan, explaining that the amount had been advanced when the Defendant was facing financial difficulties and that he himself required repayment. However, the Defendant became aggressive and pushed the Plaintiff and obstructed his way when he attempted to leave the Chamber. The Defendant allegedly assaulted him, causing injuries to his face, and threatened him with dire consequences, including grievous injuries, if he continued demanding repayment. The Plaintiff was eventually able to leave the chamber.

9. The Plaintiff, after being assaulted, made a PCR call and was taken to the hospital, where his medical examination recorded mild swelling on the lower lip and nail-scratch marks below the right eye. On the same date, his complaint regarding the alleged assault and threats, was recorded by ASI Sunil, the Investigating Officer at Police Station Tilak Marg.

10. On 03.03.2022, the Defendant lodged a false Complaint against him at Police Station Tilak Marg, recorded *vide* DD No.60A, in an attempt to conceal the aforesaid assault and to set up a false defence that there had been

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Signing Date:28.10.2026 16:51:27

a transaction for the sale of Chamber to the Defendant, for which he had allegedly paid Rs.1,00,000/- in cash and issued a cheque for Rs.2,00,000/-.

11. The Plaintiff contended that the said Complaint was false, fabricated and concocted and contained defamatory imputations, insinuations and allegations against him. He alleged that the Defendant had defamed him by making the aforesaid statements in the Complaint, signed by him and submitted at Police Station Tilak Marg.

12. The Plaintiff further averred that the Defendant was aware that the Complaint would form part of the police records and would be seen by several persons, thereby ***resulting in publication of the defamatory imputations and their possible circulation within the legal fraternity*.**

13. The Plaintiff further averred that the Defendant was motivated by an intention to damage and tarnish his reputation in the eyes of others who knew him. The Defendant had intentionally made the aforesaid imputations, thereby causing incalculable harm and injury to the reputation of the Plaintiff .

14. The Plaintiff also averred that he had been practising as an advocate for more than 30 years and that the allegations had been made despite the Defendant being well aware that there was no evidence of his involvement with any goons or other bad elements of society. The Plaintiff alleged that the imputations were motivated by malice and animosity and had been made with the sole object of defaming him.

15. The Plaintiff also filed a *Summary Suit under Order XXXVII of the CPC* bearing CS No. 255/2022, *against the Defendant* for recovery of the loan amount of Rs. 2,00,000/- along with interest, which is pending trial.

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Signing Date:28.10.2026 16:51:27

16. The Plaintiff thereby, stated that the Defendant had committed an offence of *Criminal Defamation, punishable under Section 499 IPC*, and claimed that he was entitled to seek pecuniary damages from the *Defendant for having publicly defamed him, for bringing disrepute to him, and for slandering his character and reputation.*

17. ***The Plaintiff , thus, instituted the present Suit for damages for an amount of Rs.10,00,000/- along with interest @ 12%, from the date of filing till the date of realisation.***

18. **The Defendant,** ***in his Written Statement***, raised a *preliminary objection* that the Plaintiff had not approached the Court with clean hands as the Suit was filed with an ulterior motive of harassing him. He further contended that the Plaintiff had *manipulated and concealed material facts*, and denied having any liability towards him and that these allegations could be exposed only during the Trial.

19. The Defendant claimed that, in the last week of May, 2017, he met with the Plaintiff through a common friend, Mr. S.K. Mishra, and that, after negotiations, it was agreed that the Plaintiff would sell Chamber No. 174, Patiala House Courts to him, for a consideration of ₹12,00,000/-. He had paid ₹1, 00,000/- in cash to the Plaintiff and handed over cheque No. 000010 dated 29.08.2017 as bayana/token money, with the balance consideration, to be paid in due course.

20. He further stated that he was ready to pay the balance consideration and had approached the Plaintiff on various occasions, for that purpose. However, the Plaintiff allegedly backed out of the understanding and refused to sell the chamber. The Defendant therefore, demanded the return of his money, but the Plaintiff allegedly avoided him and stopped answering his

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Signing Date:28.10.2026 16:51:27

calls. The Defendant stated that his repeated calls and messages went unanswered.

21. The Defendant stated that, on 03.03.2022, he approached the Plaintiff in front of Chamber Nos. 174 and 175, and demanded the return of the cash amount and the cheque given to him in the month of May, 2017. He alleged that, instead of responding, the Plaintiff started abusing and manhandling him in the open area, in the presence of several advocates and threatened him with dire consequences and further frivolous litigation. He immediately gave a written Complaint dated 03.03.2022, bearing DD No. 60A, regarding the incident to Police Station Tilak Marg, New Delhi.

22. The Defendant further stated that, as the police authorities had failed to register a case against the Plaintiff , he filed an *Application under Section 156(3), along with a Complaint under Section 200 of the Code of Criminal Procedure thereof.* He stated that the Plaintiff had also lodged a Complaint bearing DD No. 63 on 03.03.2022, as a counter-blast to his Complaint.

23. The Defendant also filed a Complaint dated 15.09.2022 before the Bar Council of India and the Bar Council of Delhi, concerning the alleged conduct of the Plaintiff.

24. The Defendant denied having defamed or tarnished the reputation of the Plaintiff. He contended that lodging a Complaint with a law enforcement agency to report a grievance, did not amount to defamation and that the Suit had been filed with the ulterior motive of extorting money from him.

25. He further stated that the Plaintiff had not identified, in the Complaint, the Plaint or the list of witnesses, any person who had informed him that his reputation had been lowered, to substantiate the allegation of

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Signing Date:28.10.2026 16:51:27

defamation. *The Suit was, accordingly, liable to be dismissed as being without any merit.*

26. The Plaintiff, ***in the Replication***, reaffirmed the averments made in the Plaint and denied the allegations made in the Written Statement.

27. The Defendant filed an **Application under Order VII Rule 11 read with Section 151 CPC,** seeking rejection of the Plaint on the ground that it did not disclose a cause of action. It was further contended that lodging a Complaint before a law-enforcement agency, did not constitute defamation and that the Plaintiff had failed to disclose a sufficient basis for maintaining the Suit or to identify any witness in support of his claim.

28. In the impugned Judgment dated **16.08.2024**, the Learned District Judge referred to a compendium of Judgments including *Prof. Imtiaz Ahmad v. Durdana Zamir*, 2009 SCC OnLine Del 477; *Vijay Gulati v. Radhika*, 2010 SCC OnLine Del 3514 119 DRJ 482; *A. N. Shanmugam vs. G. Saravanan*, 2015 SCC OnLine Mad 728; *Mahavir Singh vs. Surinder Singh*, 2010 SCC P&H 9094; *K. Ramadass vs. P. Samu Pillai*, 1960 SCC OnLine Mad 121; and M*/s Bapalal and Co. vs. A. R. Krishnaswami Iyer*, 1940 SCC OnLine Mad 184, ***to conclude that Police Complaint cannot given rise to any cause of action for defamation.***

29. It was also observed that the Plaintiff's entire claim for defamation was based on a single sentence in the Complaint and that the sentence could not be considered in isolation from the substance of the Complaint, to give rise to a cause of action for defamation.

30. The Judgment of this Court in *Rakesh Bhardwaj vs. Jai Gupta*, CM(M)931/2018, decided on 14.08.2018, was held to be distinguishable on the facts of the present case.

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Signing Date:28.10.2026 16:51:27

31. Accordingly, ***the learned District Judge held that the Plaint did not disclose a cause of action for defamation and rejected it under Order VII Rule 11 read with Section 151 CPC.***

32. *Aggrieved by the Judgment dated 16.08.2024,* ***the Plaintiff has preferred the present Regular First Appeal****.*

33. The ***grounds of challenge*** are that while passing the impugned Order, extraneous facts, which are not mentioned in the Plaint, were taken into consideration to reject the Suit.

34. The various judgments of different High Courts had been relied upon, without appreciating that the facts of the said cases were not *in pari materia* with the facts of the present case and were not applicable to the facts stated in the Plaint.

35. It is further contended that the statement made in the Complaint was false, scandalous, *per se* defamatory and had been made intentionally and maliciously, without any justification and without being connected with the other allegations contained in the Complaint.

36. It is further contended that the distinction between defamatory allegations forming part of a police Complaint on which an FIR had been registered and a *per se* defamatory imputation made in a Complaint which was closed after inquiry and on which no FIR had been registered, was not appreciated.

37. It is further contended that the judgment in *Rakesh Bhardwaj (supra),* the Co-ordinate Bench of this Court, which applied to the facts of the present case, was not considered, and was erroneously distinguished on the ground that it had not noticed the earlier decisions in *Prof. Imtiaz Ahmad (supra)* and *Vijay Gulati(supra).*

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Signing Date:28.10.2026 16:51:27

38. Furthermore, the judgment in *Major General M.S. Ahluwalia v. M/s Tehelka.com*, decided on 21.07.2023 in CS(OS) 622/2002, recognises the distinction between *per se defamatory words* and *other defamatory statements* and the principle that, where words are per se defamatory, no further proof of actual damage is required. However, this judgment was not appreciated.

39. It is further contended that no finding on the specific contention of the Plaintiff that the alleged imputation was irrelevant to the subject matter of the Complaint was made, without any supporting facts or evidence, and was intended to harm the reputation of the Plaintiff.

40. It is further contended that Defendant had subsequently incorporated defamatory imputation/insinuation against the Plaintiff to the effect that "*this man is very influencing and has roots in the goons and bad elements of the society*" in his Complaint dated 03.03.2023 made to the Police, without there being any rhyme or reason or justification and was completely out of context, unconnected and totally irrelevant and in isolation to the rest of the allegations of wrong doing made in the Complaint, which was in respect of cheating and assault by the Defendant and was also without any supporting facts, contentions or evidence to justify making such false and defamatory imputations against the reputation and character of the Plaintiff , to defame and slander his reputation.

41. The imputation was *per se* defamatory and was legally distinguishable from the defamatory allegations made in the Complaint. *A prima facie* case was made out in the Complaint, and cause of action was disclosed.

42. Further, the Learned Trial Court erroneously observed that there was no cause of action, to reject the Suit under Order VII Rule 11 of CPC.

Signature Not Verified
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Signing Date:28.10.2026 16:51:27

43. It has also not been appreciated that, while deciding an Application under Order VII Rule 11 CPC, the averments made in the Plaint were required to be considered as a whole and that the Plaint could not have been rejected without examining whether the allegations stated therein, disclosed a cause of action.

44. ***It is, therefore, prayed that the impugned Judgment be set aside and the Plaint be restored***.

45. *Plaintiff, in support of his assertions, has filed Written Submissions, wherein he has essentially reiterated the grounds of Appeal.*

46. Reliance is placed on *H. S. Deekshit & Ors. vs. Metropoli Overseas Limited & Ors*., 2022 SCC OnLine SC 2024, *Pramod Kumar Jain vs. Satish Jain and Ors.* CS(OS) 182/2017 decided on 03.08.2023, *wherein it has been reiterated that only the contents of the Complaint are to be considered while deciding an application under Order VII Rule 11 of CPC.*

47. The Plaintiff has also relied upon *Ram Singh Batra vs. Sharan Premi*, 133 (2006) DLT 126, wherein it was held that a statement published, unless it is defamatory *per se*, is actionable on proof that it was false and defamatory. *It was therefore submitted that the Order rejecting the Complaint is not sustainable in the eyes of law; it is perverse and liable to be set aside.*

48. **Learned counsel for the Respondent** contended that the Plaintiff's entire case rested on a solitary statement made in the Complaint, on which no action had been taken. It was submitted that the statement, when read in the context of the Complaint as a whole, could not be regarded as defamatory, merely because the Plaintiff was alleged to have connections with goons. It was further contended that there is no evidence that there was

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Signing Date:28.10.2026 16:51:27

any publication of this statement, which has resulted in lowering the reputation of the Plaintiff.

49. It is therefore, submitted that the suit has been rightly rejected under Order VII Rule 11 of CPC.

Submissions heard and the record perused.

50. To understand the controversy in the present case and the import of the statement alleged to be defamatory, it is necessary to consider the background to the incident and the lodging of the Complaint.

51. According to the Plaintiff, the Defendant had taken a loan of Rs. 2,00,000/- and issued a cheque on 29.08.2017, with an assurance that it would be honored upon presentation, but subsequently failed to repay the loan amount. The Plaintiff alleged that he confronted the Respondent on 03.03.2022, to seek repayment.

52. The Respondent, on the other hand, claimed that the parties had agreed to the sale of the chamber and that he had paid ₹3,00,000/- (*₹1,00,000/- in cash and ₹2,00,000/- by cheque)* as part of the consideration. However, Plaintiff instead surrendered the Chamber to the Bar Council, thereby, defeating the understanding *inter se* between the parties.

53. An altercation took place between the parties, on 03.03.2022. The Plaintiff alleged that he had been assaulted, whereas the Respondent claimed that the Plaintiff had abused and manhandled him. The Respondent lodged a Complaint bearing *DD No. 60A,* at Police Station Tilak Marg on the same date. Thereafter, Plaintiff also made a Complaint *vide* DD No. 63, on the same day.

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Signing Date:28.10.2026 16:51:27

54. This Complaint of the respondent contained a sentence, which was claimed by the Plaintiff, to be per se defamatory. It would be pertinent to reproduce the entire Complaint, which reads as under:

> *"Sub.: - Complaint against Mr. Jai Gupta for assaulting & threatening me to kill me.*
>
> *Sir,*
>
> *Mr. Jai Gupta is known to me for last 2017 in the year 2017 he got ready to transfer his Chamber No. 174 to me & for which I have paid him Rs.100000/- & remaining amount was to be paid on later stage but surprisingly the chamber was not transferred to me but same was sold to some one else from that I am day I am asking for my money but all is vain.*
>
> *Today Jai Gupta when he met him at Chamber No. 177 & demanded my payment at about 5 PM. I was beaten up & threatened by Mr. Jai & said "Agar Dubara Paise Maange to jaan se maar dunga". People gathered there & somehow I saved myself* ***that this man is very influencing & have roots in the goons & bad elements of the society & I have fear & threat to my life****. I have been hit on my abdominal part & have pain.*
>
> *It is therefore prayed kindly take necessary action & book the culprit & register the FIR.*"

55. The Plaintiff's claim is based on the aforesaid one highlighted sentence in the Complaint. The question is whether the impugned words, when read in the context of the Complaint as a whole, is *per se* defamatory.

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Signing Date:28.10.2026 16:51:27

56. The term 'defamation' has been defined in the case of *Salmond & Heuston in* Law of Torts, 20th Edn. 7, which defines a defamatory statement as under:

> "*A defamatory statement is one which has a tendency to injure the reputation of the person to whom it refers; which tends to lower him in the estimation of right thinking members of society generally and in particular to cause him to be regarded with feelings of hatred, contempt, ridicule, fear, dislike, or disesteem…*"

57. Defamation has been defined as a "false statement about a man to his discredit" by Justice Cave in *Scott vs. Sampson, [L.R.] 8 Q.B.D. 491* and followed by Indian Courts in *Bata India Ltd. vs. A.M. Turaz*, *2012 SCC OnLineDel 5387: (2013) 53 PTC 586* and *Pandey Surendra Nath Sinha vs. Bageshwari Pd., 1960 SCC OnLine Pat 116: AIR 1961 Pat 164.*

58. The essential elements for a civil defamation may be stated thus:

> *(i) that there was a statement made which* ***was defamatory****;*
> *(ii) that such statement* ***was published;***
> *(iii) such imputation was 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;*
> *(iv) that such statement,* ***so published****, has a tendency to lower the reputation in the eyes of the members of the society.*

59. First and foremost, it is relevant to observe that the impugned statement was made in a Complaint submitted by the Respondent to the Police concerning the incident, in which he set out his version of the events. The Plaintiff also lodged a counter-complaint concerning the same incident, setting out his own version.

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Signing Date:28.10.2026 16:51:27

60. *The most pertinent question, which arises, is whether the Complaint made to the Police for redress of grievance, attracts protection from a civil action for defamation*. This aspect has been considered in a compendium of Judgments.

61. In *Watson vs. M'Ewan*, (1905) A.C. 480, *Lord Halsbury* observed that the public policy underlying the protection of witnesses in the administration of justice extends to preliminary steps forming part of the administration of justice, including the preliminary examination of witnesses to ascertain what they can prove. Referring to the aforesaid principle, *Coutts Trotter, C.J.,* held that statements made by a potential witness as a preliminary to entering the witness box, are equally privileged as statements made by the witness while actually giving evidence in Court.

62. In *M/s Bapalal and Co.* (*supra*), the Madras High Court considered a case wherein the Plaintiff had sent a letter to the Inspector of Police, which the Respondent alleged was defamatory as it amounted to an accusation of criminal breach of trust. The Court held that a complaint made to a Police officer is, by its very nature, an absolutely privileged statement.

63. Similarly, in *K. Ramadass* (*supra*), the Madras High Court considered a case where the Plaintiff lodged a complaint directly with the Police expressing suspicion that the Respondent might have been responsible for a theft. The Respondent instituted a suit for damages for defamation on the basis of the complaint. Following *M/S Bapalal and Co. (supra)*, the Court held that the complaint was absolutely privileged, as the complainant might subsequently be required to substantiate its contents on oath. Accordingly, the Suit for defamation was dismissed.

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Signing Date:28.10.2026 16:51:27

64. In *Pedda Sanjivi Reddy vs. Kondasari Koneri Reddi,* AIR 1926 Mad 521, the Court considered a Petition presented to a Magistrate seeking action under Section 107 of the Code of Civil Procedure, 1898, and a statement subsequently made to the Police during an inquiry referred by the Magistrate. *The Court held that the petition to the Magistrate was absolutely privileged and that the statement made to the Police during the resulting inquiry, intended to be repeated on oath before the Magistrate, was protected.*

65. Likewise, in *Golap Jan vs. Bholanath Khettry*, (1911) ILR 38 Cal 880, a complaint made to a Magistrate alleging criminal breach of trust was held to be absolutely privileged notwithstanding that the complaint was dismissed under Section 203 of the Code of Criminal Procedure

66. Similar observations were made in *Madhab Chandra Ghosh vs. Nirode Chandra Ghosh*, ILR (1939) 1 Cal 574, wherein it was held that report to the Police alleging the commission of a crime and evidence given in Court in support of the accusation were absolutely privileged.

67. In *Majju v. Lachman Prasad*, (1924) ILR 46 All 671 (FB), a distinction was drawn between a complaint to the Police which led to judicial proceedings and one which did not. The complaint, which did not lead to judicial proceedings, was held not to be privileged.

68. In *Prof. Imtiaz* (*supra*), it was observed *that when a person makes a complaint against another before the lawful authorities, the same cannot be considered as publicising or publicly making defamatory averments against such person.* It was further observed that if a prosecution is initiated based on such averments and the person is acquitted upon a finding that the complaint was false, a cause of action may arise against the complainant for

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Signing Date:28.10.2026 16:51:27

false prosecution or for damages on other grounds. Until a competent Court holds the complaint to be false, no cause of action arises. The Court further observed that approaching a competent authority seeking protection against interference in one's family affairs does not, by itself, amount to a defamatory imputation *per se*.

69. Similarly, in *Bira Garari vs. Dulhin Somaria*, AIR 1962 Pat 229, the Division Bench held that the information given to the Police regarding the commission of a cognizable offence, with the object of setting the criminal law in motion, was absolutely privileged, being a necessary step preliminary to judicial proceedings. It was further held that such privilege would not depend upon whether judicial proceedings actually commenced or whether the information was subsequently found to be false or actuated by malice. The Court observed that the remedy, where the requisite ingredients were established, could lie in proceedings for malicious prosecution or under the relevant provisions of the Indian Penal Code.

70. Similarly, in the case of *Mahavir Singh* (*supra*), the Court held that merely lodging an FIR, even if it contains false imputations, does not amount to defaming the person against whom the FIR is lodged. The Court held that there must be publication to maintain a suit for damages.

71. In the case of *A.N. Shanmugam vs. G. Saravanan*, AIR 2015 (NOC) 670 (Mad.), the Court held that lodging a complaint with the Police could not be considered to be publication of a defamatory statement. The Court further observed that where an imputation is made in a complaint to a law-enforcement agency with the belief that the agency would take criminal action against the person against whom the imputation is made, the same would act outside the scope of defamation.

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Signing Date:28.10.2026 16:51:27

72. In the case of *Rakesh Bhardwaj* (*supra*), the Suit of Defamation was based on a Complaint to the Police and was held to be maintainable. However, a contrary view has been taken by this Court in the case of *Vijay Gulati* (*supra*) and *Bira Garari* (*supra*) as discussed above.

73. The aforesaid judgments indicate that mere filing of a complaint with the Police does not, by itself, constitute defamation. *The nature and context of the alleged imputation, the question of publication, and the applicability of privilege must also be considered.*

74. Even on merits, the sole statement on which the Plaintiff has relied has been made in the context of the Defendant fearing for his life and apprehension of a threat from the Plaintiff. When read in that context, the statement cannot be considered defamatory *per se.*

75. Therefore, the learned District Judge has rightly held that the isolated statement on which the Plaintiff has relied, does not amount to defamation.

76. Further, as held in *Mahavir Singh* (*supra*); *Prof. Imtiaz Ahmad* (*supra*) and *A.N.Shamnugam* (*supra*), **publication is an essential ingredient for an action for defamation.**

77. In the present case, it is the averments of the Plaintiff himself, that an altercation with the defendant, resulted in the Complaint by the defendant which contained one defamatory sentence, namely, ***that this man is very influencing & have roots in the goons & bad elements of the society & I have fear & threat to my life***.

78. It is clearly evident from the context in which the statement was made that, allegedly, the Plaintiff had extended threats to kill the Defendant, who said, '***agar dobara paise mange to jaan se maar dunga***'. He further stated that people had gathered, and he somehow managed to save himself, and he

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Signing Date:28.10.2026 16:51:27

actually got scared because the Defendant believed that he was influential and had connections with the goons. The alleged statement of being connected to goons, was made in the context of having a threat to his life from the Plaintiff. It cannot be isolated from its context, to claim that it was *per se* defamatory.

79. Even when considered in the light of the definition of '*defamation'*, it must have a *tendency to injure the reputation of the person* to whom it refers and lower the estimation of the right-thinking members of society. This single Statement, made in the Complaint, *per se* does not fit into the definition of 'defamation' or cannot be termed to be one, which results in loss of reputation, in the eyes of the society.

80. Moreover, this statement *in the Complaint cannot be termed as publication.* Further, there is not a single averment in the Plaint to show that there were other people who heard this particular statement or that the estimation of the Plaintiff was lowered in their eyes. No public person has been named, who witnessed the incident and in whose estimation the reputation of the plaintiff, was lowered.

81. Moreover, there is nothing to show that there was *any harm caused to the reputation* of the Plaintiff. It is evident that this statement had been **made *by him in good faith***, *to protect his own life from the perceived threat from the Plaintiff and* ***not with an intent to harm the reputation of the Plaintiff*.**

82. In view of the aforesaid discussion, it is evident that the learned District Judge has rightly rejected the Plaint, as not disclosing any cause of action.

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83. There is no merit in the **Appeal, which is hereby, dismissed. The** pending Applications are disposed of accordingly.

(NEENA BANSAL KRISHNA)
JUDGE

OCTOBER 27, 2026/RS/*R*

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