

2025:PHHC:071613



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

**CRM M-26592 of 2025
Date of Decision: 15.05.2025**

Varinder Kumar ...Petitioner

Vs.

Jaswant Singh ...Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Balbir Singh Sewak, Advocate, for the petitioner.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the present petition under Section 528 of the B.N.S.S., 2023 with a prayer to quash the impugned order dated 06.12.2019 (Annexure P-2) passed by the Court of SDJM, Balachaur and the judgment dated 27.02.2025 (Annexure P-3) passed by the Court of Sessions Judge, SBS Nagar, whereby, the complaint filed by the petitioner against the respondent under Sections 499, 500 and 34 IPC was ordered to be dismissed.

2. Learned counsel for the petitioner vehemently argued that the respondent No. 1 namely, Jaswant Singh, moved a complaint before the Deputy Commissioner of Police, SBS Nagar, levelling unfounded and defamatory allegations against the present petitioner/complainant. The District Revenue Officer held the inquiry and found the allegations to be false. Thereafter, the respondent No. 1/accused moved another complaint to the SSP, S.B.S. Nagar and the

inquiry was conducted by the Incharge, Economic Offences Wing and after detailed inquiry, the complaint was ordered to be filed. It was further alleged that the allegations were levelled by the respondents only with a view to defame the petitioner/complainant and the respondents were liable to be prosecuted by the Court.

3. I have heard learned counsel for the petitioner and perused the record.

4. In the present case, the complaint filed by the present petitioner was ordered to be dismissed by the trial Court. Thereafter, the petitioner filed a revision petition before the Sessions Court and the same was also dismissed by making the following observations:-

11. The grouse of revisionist-complainant is that respondents had moved application, Ex.C-1 against the revisionist-complainant, with respect to unauthorized alteration in the revenue record of Had Bast No.190 of village Jhungian by the revisionist-complainant, and had leveled serious allegations, regarding the mala fide acts of the revisionist-complainant, who purportedly had conspired with wrong persons and had entered fictitious partition in the revenue record and had shown unauthorized persons in possession of certain khasra numbers after carving out passage. Vide report, Ex.C-2, the District Revenue Officer had ordered the filing of the complaint, on the ground that complainant therein, i.e. present respondent Jaswant Singh, could take recourse to his remedy before the Civil Court, with respect to the mutation entered into by the Patwari. On the similar application moved by respondents to SSP, SBS Nagar, In-

charge, Economic Office Wing, had reported that dispute being civil in nature, Jaswant Singh could take recourse to civil suit for validation of his claim. Similar was the fate of the applications filed by respondent Surjit Singh.

12. Section 499 IPC, which deals with defamation, is not without exceptions. The Eighth Exception to Section 499 IPC provides as follows : –

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.

13. The complaints Ex.C-1 and Ex.C-3, filed by respondents no.1 and 2, were not found to be totally false. Rather the grievance expressed by the respondents, with respect to mala fide/unauthorized alteration/interpretation in the revenue record, was held to be giving rise to cause of action, to the respondents, on the civil side and respondents, therefore, were advised to approach the civil court for adjudication of their claim, vis-a-vis the wrong/unauthorized sanctioning of mutation of partition. During the course of hearing, when learned Counsel for respondents referred to letter no.76 dated 24.02.2021, sent by SDM, Nawanshahr to Deputy Commissioner, SBS Nagar, learned Counsel for revisionist-complainant could not dispute the same. Significantly, vide the said letter/report FIR was recommended to be registered with regard to allegations leveled regarding interpolation/fabrication in the revenue record, against the interest of respondents.

14. In the backdrop of the facts noticed above, by no stretch of imagination, the applications, Ex.C-1 and Ex.C-3, moved by respondents can be said to be actuated by malice or aimed at defaming the revisionist-complainant. It is apparent that both the applications were moved in good faith, to Deputy Commissioner, SBS Nagar and SSP, SBS Nagar, both of whom have lawful authority, over the acts and conduct of the present revisionist-complainant, with respect to the alleged alteration/change in the revenue record, to the detriment of the respondents”.

5. Still further, I have carefully perused the record in the present case and agree with the detailed findings recorded by the Courts. In fact, the complaints Ex.C-1 and Ex.C3 filed by the respondents No. 1 and 2 were submitted with regard to the conduct of the petitioner/complainant as a public servant and the complaints were filed by the respondents in good faith. The Courts have correctly held that such complaints moved by the respondents No. 1 and 2 to the higher officials clearly fell within the ambit of 8th Exception to Section 499 IPC. Moreover, there is no material to show that the complaints Ex.C-1 and C-3 were found to be completely false either by the District Revenue Officer or by the police rather respondents No. 1 and 2/complainants were directed to avail their remedies before the Civil Court. Further, both the Courts have recorded that there was no material to indicate that on account of filing of the complaints by the respondents, the petitioner was allowed in the estimation either the prosecution witnesses or the society by large.

6. However, in the present case, the Sessions Judge has dismissed the revision petition with costs of Rs.5,000/- which would be deposited with the DLSA SBS Nagar. In fact, the present petitioner had availed his legal remedies before the Sessions Judge and the Revisional Court should be slow in imposing costs on the litigants. Thus, order of the Sessions Judge, SBS Nagar, to the extent of imposition of costs of Rs.5000/-on the present petitioner is set aside. However, the remaining order is ordered to be upheld.

7. Further, the petitioner has failed to point out any material irregularity, illegality or any other infirmity in the impugned orders passed by both the Courts. Thus, finding no merits, the present petition is ordered to be dismissed.

15.05.2025

amit rana

(N.S.SHEKHAWAT)

JUDGE

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