

2025:PHHC:016021



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

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CRM-A 944 of 2022 (O&M)

Date of Decision: 31.01.2025

Ravneet Mahajan

...Applicant

Versus

Shikha Goel and others

... Respondents

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

Present : Mr. Karan S. Gill, Advocate, for the applicant.

N.S.SHEKHAWAT, J.

CRM-30109-2023

For the reasons mentioned in the application, the same is allowed. Amended memo of parties is taken on record.

CRM-A 944-MA of 2022

1. The applicant has moved the present application under Section 378(4) of Cr.P.C. with a prayer to grant the special leave to appeal against the impugned order dated 18.02.2022 passed by the Court of Judicial Magistrate 1st Class, Pathankot, whereby, the complaint filed by the applicant was ordered to be dismissed.
2. The applicant/complainant had initially filed a criminal complaint under Sections 499 and 500 of IPC against respondents No. 1 to 7. In the impugned order, the trial Court has reproduced the

allegations levelled by the complainant in the complaint and the same are as follows:-

“The briefly facts of the complaint are that complainant pleads that the applicant was a reputed Dental Surgeon who belonged to the family of doctors based in Patiala and she got married on dated 22.04.2004 with Dr. Atin Mahajan and had shifted to Pathankot to stay at her matrimonial house, where she was running the Dental Clinic namely “Dental Health Care & Implant Center” along with her husband Dr. Atin Mahajan and were blessed with one minor daughter namely Naaz. The complainant very actively participated in the social work at Pathankot and was a member of IDA, Loins Club (Main), Jyoti Swaroop Kanya Asra Society, Chandigarh and was well reputed and acclaimed social worker, who was well known for her philanthropist and social work not only in Pathankot District but was well known for her works in Patiala and Hoshiarpur District also and as such carried an impeccable reputation. Respondent/accused No.1 was an estranged spouse of one Mr. Atul Goel and the accused No.2 and 3 were her parents and that owing to the marital discord amongst the respondent/accused No.1 and her said husband, there were various cases and cross cases pending amongst themselves before various Courts of law and justice. Respondent/accused No.1 along with her now estranged husband Atul Goel had initially shared a warm relationship with the family of the complainant till the accused No.1’s relationship had gone sour with her husband and the minor skirmishes escalated into a major

marital dispute, when the respondent/accused No.1 on dated 10.03.2018 called up the complainant to her house to mediate in the dispute which had again broken out between the respondent/accused No.1 and her husband owing to close friendship shared between the applicant and the respondent/accused no.1 but on reached there the complainant was shocked to see the accused No.2 and 3 were sitting there and various aspects of the marital dispute were discussed between the family of respondent/accused No.1's husband and the respondent/accused No.1's parents and many new facets of the marital discord surfaced and to shock of the applicant it was also revealed that the respondent/accused No.1 had been cooking up stories to reflect her husband that the respondent/accused No.1, the topic of dispute was very conveniently diverted towards the complicity of the applicant while she was trying to cajole of the respondent/accused No.1 to mend the fences with her husband and had found fault in the respondent/accused No.1's act and conduct, which had greatly infuriated the respondent/accused No.1 who had stormed out of their matrimonial house on dated 10.03.2018 itself and leaving for her parental house at Ludhiana was accosted by the respondents/accused No. 2 & 3 whereby the respondents/accused No. 1 to 3 had unnecessarily dragged the fair name of the applicant into the respondent/accused No. 1's domestic dispute by falsely accusing the applicant to be in relationship with respondent/accused No. 1's husband. The respondents/accused No. 1 to 3 had in the presence of the entire family of the respondent/accused No. 1's

husband including his Father – Mr. Ashok Goel and Mother – Mrs. Neeru Goel had restored to slander against the complainant and had openly and unabashedly proclaimed that the applicant was having an extra marital affair with the respondent/accused No. 1's husband, without any reason, basis or any remote evidentiary proof. The applicant had openly protested against the slanderous accusations made by the respondents/accused No. 1 to 3 in presence of the said witnesses namely Mr. Atul Goel, Mr. Ashok Goel and Mrs. Neeru Goel who also warned the respondents/accused No. 1 to 3 to desist from ruining the reputation of the applicant without any concrete proof despite which the respondents No. 1 to 4 threatened the applicant that they shall ensure to make her life hell by circulating baseless allegations in the whole Pathankot District whereby the applicant would not be able to step out of her house in view of the onslaught on her character and negative publicity generated against her by using their local contacts at Pathankot and also finding an approachable local press reporter who shall publish the false propaganda news in the newspaper in order to ensure maximum coverage and publicity against the applicant. The applicant despite all this stood by her stand and made it clear to the accused that their baseless allegations shall have no effect on her husband and he still stood with her supporting her at which the respondents/accused No. 1 to 3 got infuriated at the applicant's firm stand and in the presence of the said witnesses called up a so-called self-anointed social worker of the applicant's locality – the

respondent/accused No. 4, who was well known to them and narrated the entire ill-conceived and baseless accusations against the applicant in her very presence and told her that the applicant should face such an ordeal that she should be forced to leave Pathankot along with her Husband and insisted upon her to give maximum coverage of these slanderous accusations in her locality, city, club and other social organizations so as to make her the laughing stock of the entire city. Thereafter the applicant was requested to leave the house as they intended to resolve the matter amongst themselves and accordingly applicant left the said house and went to inform and update about this factum to her husband – Mr. Atin Mahajan. That on dated 15/03/2018 the respondents/accused No. 1 and 3 called up the respondent/accused No. 4 from Ludhiana and very cleverly conveyed that the applicant was staying with the respondent/accused No. 1's estranged husband, after throwing her out of her matrimonial house. The phone was then diverted to hands free mode by the respondent/accused No. 4 with a malicious intention, in children park, Pathankot which is a public area wherein the applicant was flanked by a group of ladies of the same locality and that the respondent/accused No. 4 made it a point to spread this false allegation amongst her entire social circle. That the respondent/accused No.4 then again called the applicant to confirm her whereabouts at that current time of call and spoke insultingly apparently over the Hands-Free Mode, by blaming her and falsely accusing her for the condition of respondent/accused No. 1. The applicant repeatedly told

the respondent/accused No. 4 that it was a personal issue between the respondent/accused No.1 and her husband and her in-laws, and that she had nothing to do with it in any manner whatsoever, and that she was happily married with her husband and was leading a blissful married life and all these false accusations, slander and loose talk could wreak havoc with her married life, but the words fell on deaf ears and that the applicant was berated and insulted in public wherein the respondent/accused no.4 was flanked by a group of ladies of the same locality and was rebuked for challenging the “maryada of samaaj” and the voices of many other ladies were heard by the applicant who were hurling abuses and insults on her on the basis of this false, slanderous and non-existent issue. The respondent/accused No. 1 to 4 connived with each other by joining hands to irreparably soil the fair reputation of the applicant by circulating their slanderous allegations throughout Pathankot City by word of mouth and by using the social connections of the respondent/accused No. 4. The respondent/accused No. 4 threatened the applicant over the phone that scores of ladies had gathered at her house at her insistence to teach the applicant a lesson for daring to have an affair with respondent/accused No.1’s husband and to besmirch her reputation and all the explanations of the applicant fell on deaf ears. The respondent/accused No. 4 also boasted of her proximity with the respondent/accused No. 5 and threatened to soil her reputation by implanting false news in the newspapers represented by the respondent/accused No. 5 and that thereafter the

applicant along with her husband Dr. Atin Mahajan, visited the husband of respondent/accused No. 4—Mr. Satish Mahindru at his office at Simbal Chowk, Pathankot and requested him to intervene and to persuade his wife to stop spreading false and slanderous allegations against the applicant to which the said Mr. Satish Mahindru readily agreed and promised to look into the matter, the recording of the conversation has been retained by the applicant. That amongst these raging rumors and false allegations against the applicant, one Mr. Vijay Passi, another self-styled social worker of Pathankot visited the applicant on dated 23/03/2018 at about 5.30 PM when she was alone at home and had continuously rang door bells but the applicant did not open the gate but saw Mr. Vijay Passi from the balcony of the first floor of her house. The harrowing experience did not end here as at about 6.00 PM the applicant received a call from the respondent/accused No. 4 which was not taken and then from the said Mr. Vijay Passi which was again not taken and then from an unknown number and then again from the mobile number of accused No. 4 which was eventually answered as all calls were made back to back. But to her surprise, it was the said Mr. Vijay Passi who talked from the mobile of respondent/accused No.4. He tried to confirm about the whereabouts of the applicant and coerced her to meet him and admitted that he was with the respondent/accused No. 4 in the office of one Mr. Kewal Krishan Mahajan at Sahil Plaza, Pathankot which is a secluded and deserted place and asked her to come there to meet them. Further on the applicant's

refusal, the said Mr. Vijay Passi insisted the applicant to allow him to visit her residence along with all ladies of the locality, which was bluntly refused by her owing fearing apparent threat to her life. That the respondent/accused No. 1 had filed a Transfer Application bearing No. 732 of 2018 along with a duly sworn Affidavit before the Hon'ble High Court of Punjab & Haryana, Chandigarh against her husband Mr. Atul Goel, and respondents No.2 and 3 had clearly and in unambiguous terms named the applicant as the reason for her marital disputes without specifying any proof thereof in an attempt to sway the decision of the Hon'ble Court by citing non-existent, fake and false reasons. Further no reasons clearly spelling out the details and reasons for naming the applicant in her marital dispute, with which the applicant has got nothing to do, was missing in the said Transfer Application. That on dated 16/04/2018, a slanderous news item was published in local pull out of "Dainik Jagran" termed as "Pathankot Jagran" printed and published by the respondents/accused No. 6 & 7, against the applicant on the basis of news provided by the respondent/accused No. 5, for the obvious vexatious reasons without bothering to verify the facts and had also failed to elicit the applicant's response before publishing the said slanderous news in the said newspaper. The applicant was shocked and surprised to read the said article as the same contains out and out false and baseless averments and is a result of incorrect, vindictive and grossly irresponsible reporting. The applicant has been deliberately targeted by the respondentns/accused being a

Soft target in furtherance of common intention to soil her reputation at the bidding of the respondents/accused No. 4 & 5. One Mrs. Aruna Sharma, neighbour of the applicant, had shared the impugned news item through WhatsApp with her group comprising of Mrs. Taranpreet Kaur – Principal of a college at Garhshankar (Punjab), which has further been shared amongst other WhatsApp groups in order to inflict maximum damage to the fair reputation of the applicant. After the publication of the said defamatory and slanderous news in the said Newspaper, the applicant's mobile phone has been ringing incessantly with unknown numbers seeking to befriend her, which has completely thrashed her reputation in the eyes of the general public. That further, Mr. Ravi, attendant at the applicant's Dental Clinic had informed her about the raging rumor mongering in and around their Clinic located at Sri Ram Market, Dalhousie Road, Pathankot and in all parts of Pathankot whereby the shopkeepers and hospital staff of nearby hospitals ask him uncomfortable questions about her moral integrity. The said Ravi Kumar further revealed that the people have been enquiring from him the reasons for the applicant to leave her husband and her children and to shamelessly stay with Atul Goel at his residence. He had further confided that few people in and around her shop has been passing lewd and cheap comments against her character publicly, basing his assumptions on the impugned news items published by the respondents/accused No.5 to 7. No amount of reasoning could now change the public perception created by the respondents/accused in the minds of the

general public against the applicant. The said Ravi Kumar also confided that after going through the said news item, he was also shocked and pained and the estimation of the applicant had suffered a big blow in his eyes. It is worthwhile to add here that the said impugned news item was a blatant lie and had been got published in the said newspaper with the active connivance of the accused to malign the reputation of our client in the eyes of the general public as well as in the eyes of medical fraternity. The said impugned news item, which is based on malicious gossiping, is per-se incorrect, false and defamatory even to the express knowledge of the respondents/accused No.5 to 7. In fact, false and incorrect averments have been published by the said respondents/accused No.5 to 7 knowing fully well that those were false to their own knowledge. No efforts to ascertain the true and correct facts and or verify the contents/averments in the impugned news item, ever appear to have been made by them before publishing the same in their newspaper. It is further submitted that the accused had gone to the extent of pasting the said news article at a conspicuous place on the wall of the house of the applicant. The said impugned news items has served a big blow to the character and reputation of the applicant apart from causing great mental torture and agony to her. The said impugned news items has hurt her immensely and brought her reputation to the lowest ebb and that she was feeling very humiliated and small in her own eyes by the intentional criminal acts of the respondents/accused which were derogatory and defamatory in nature.

3. After preliminary evidence, the applicant/complainant Dr. Ravneet Mahajan examined herself as CW1 and supported the version mentioned in the complaint. CW2 Ravi and CW3 Dr. Atin Mahajan also supported the case of the complainant. Before proceeding any further, it would be appropriate to reproduce the news item, which is the basis of the present case:-

“Discussion in the City about Love Affair

In the city everyday some matter or the other becomes topic of discussion. Normally some political issue is the centre point of discussion in the city but this week the love affair of influential people of the city is also a topic of discussion. Now you might be thinking as to what is the reason for the love affair to become a point of discussion then its reply is also clear that firstly this love affair is between the influential persons of the city and secondly due to the love affair there is news of uprooting of both the houses. This is a clear example of as to how could a person become blind in love. In this matter by curtailing the married life and by running behind love not only the life of two people is getting spoiled but also two families are on the verge of getting uprooted.

But these two love birds are neither seeing the families and nor their status in the society. It is being discussed that the love affair of the wife of a reputed doctor of the city was going on with a big industrialist in the city. The thing went to such an extent that the wife of the doctor by leaving her husband and children and her married life decided to start her life again with the industrialist. The industrialist was already ready.

Both of them started their life of love. But both their families got a clue in regard to this. When the wife of the industrialist came to know about this then the industrialist ended his married life for his love affair and left his wife. On the other hand the reputed doctor of the city is sitting helpless in sadness of his wife having fled. When the people coming for treatment from the doctor ask him in regard to his wife then it becomes difficult for him to give reply. In the love trap of the industrialist neither she is in the contact of her family and nor is being seen in the city. Now this topic has become point of discussion in the city. It is being discussed everywhere that what was the compulsion that both of them ended their married life and began a new life at this stage of life.

Jitender Sharma Pathankot”.

4. After hearing the learned counsel for the applicant, the trial Court observed that from a perusal of the news, it was apparent that the publisher had nowhere mentioned the name of the applicant/complainant in the whole news item. Rather, it simply mentions about a love affair between the wife of reputed doctor and an industrialist. However, neither the name of the doctor had been mentioned nor it could be seen that the news pertained to the present applicant. Thus, the complaint was ordered to be dismissed by the trial Court.

5. Learned counsel has vehemently argued that from a perusal of the news item (Annexure P-9), it was apparent that respondents No. 5 to 7 in collusion with the other respondents had attempted to create a false and incorrect impression that the applicant had eloped with an industrialist Atul Goyal after leaving her children and her husband and her husband is facing hard time to come to the terms. In fact, the applicant was staying with her husband and never stayed with Atul Goyal. Even, no attempt was made by respondents No. 5 to 7 to ascertain or confirm the defamatory allegations from the applicant and news item was published, just to harm the reputation of the applicant. Learned counsel further contends that from the preliminary evidence, it was also established that the respondents No. 1 to 7 had colluded with each other and even during the investigation, the statement of the applicant was recorded, which was *per se* defamatory. However, the trial Court had wrongly drawn inference from the preliminary evidence and the complaint was ordered to be dismissed.

6. I have heard the learned counsel for the applicant and perused the record.

7. While discussing the scope of interference by the Appellate Court, while dealing with the judgment of acquittal, the Hon'ble Supreme Court held in the matter of **Bhaskar Rao and**

others Vs. State of Maharashtra AIR 2018 SC 2222:2018 (5) RCR

(Criminal 288) as follows:-

“14. As the trial Court and High Court, having appreciated the evidence on record has come to diametrically opposite conclusions, mandating herein to observe certain witness statements which may have an important bearing in this case. In the processes of appreciating the evidence at the appellate stage, we need to keep in mind the views of this Court as expressed in **Tota Singh and Anr. Vs. State of Punjab, 1987 (2) RCR (Criminal) 35:1987 CriLJ 974.**

The High Court has not found in its judgment that the reasons given by the learned Sessions Judge for discarding the testimony of PW-2 and PW-6 were either unreasonable or perverse. What the High Court has done is to make an independent reappraisal of the evidence on its own and to set aside the acquittal merely on the ground that as a result of such re-appreciation, the High Court was inclined to reach a conclusion different from the one recorded by the learned Sessions Judge. This Court has repeatedly pointed out that the mere fact that the Appellate Court is inclined on a re-appreciation of the evidence to reach a conclusion which is at variance with the one recorded in the order of acquittal passed by the Court below will not constitute a valid and sufficient ground for setting aside the acquittal. The jurisdiction of the Appellate Court in dealing with an appeal against an order of acquittal is circumscribed by the limitation that no interference is to be made with the order of acquittal unless the approach

made by the lower Court to the consideration of the evidence in the case is vitiated by some manifest illegality or the conclusion recorded by the Court below is such, which could not have been possibly arrived at by any court acting reasonably and judiciously and is, therefore, liable to be characterised as perverse: Where two views are possible on an appraisal of the evidence adduced in the case and the court below has taken a view which is plausible one, the Appellate Court cannot legally interfere with an order of acquittal even if it is of the opinion that the view taken by the Court below on its consideration of the evidence is erroneous."

8. In **Ramesh Babulal Doshi v. State of Gujarat, 1997(3)**

RCR (Criminal) 62: 1996 CrilJ 2867, this Court observed as under:

"This Court has repeatedly laid down that the mere fact that a view other than the one taken by the trial Court can be legitimately arrived at by the appellate Court on reappraisal of the evidence cannot constitute a valid and sufficient ground to interfere with an order of acquittal unless it comes to the conclusion that the entire approach of the trial Court in dealing with the evidence was patently illegal or the conclusions arrived at by it were wholly untenable. While sitting in judgment over an acquittal the appellate Court is first required to seek an answer to the question whether the findings of the trial Court are palpably wrong, manifestly erroneous or demonstrably unsustainable. If the appellate court answers the above question is the negative the order of acquittal is not to be disturbed."

9. The present case has been filed by the applicant/complainant by alleging that the news item (Annexure P-9) was wrongly got published by respondents No. 1 to 3, in collusion with respondents No. 4 to 7. Even, it was wrongly stated that the wife of a reputed doctor of the city was having a love affair with an industrialist in the city. Even, the wife of the doctor had left her husband and children and started to live with an industrialist. Even, the Industrialist was already married and had also left his wife. From a perusal of the impugned news item (Annexure P-9), it is apparent that the applicant has nowhere been mentioned in the news by the correspondent/editor of the news paper. It only refers to the wife of a reputed doctor and it is not the case of the applicant that she was the only doctor in the city. Still further, the name of the industrialist has also not been mentioned, who was allegedly having a love affair with the wife of a doctor. Even, there is no material to indicate that the respondents No. 1 to 4 had conspired with respondents No. 5 to 7 to get the news published in a newspaper. Thus, there is no illegality or perversity in the impugned order dated 18.02.2022 passed by the Court of Judicial Magistrate 1st Class, Pathankot.

10. Consequently, the present application for special leave to appeal is meritless and is liable to be declined.

11. Dismissed.

12. Pending application(s), if any, also stand disposed off accordingly.

31.01.2025
amit rana

(N.S.SHEKHAWAT)
JUDGE

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