



...RESPONDENT

THIS CRL.P FILED U/S.482 CR.P.C PRAYING TO QUASH THE PROCEEDINGS REGISTERED IN C.C.NO.14877/2016 U/S 500 OF IPC PENDING ON THE FILE OF VIII ADDL.C.M.M., BENGALURU AT ANNEXURE-A, B AND C AT PAGE NO.21 TO 122.

THIS PETITION, COMING ON FOR ADMISSION, THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

1. Accused nos.1 to 3 are before this Court under Section 482 of Cr.PC with a prayer to quash the entire proceedings in C.C.No.14877/216 pending before the Court of VIII Addl. Chief Metropolitan Magistrate, Bengaluru, for the offence punishable under Section 500 IPC.
2. Heard the learned Counsel for the petitioners.
3. The respondent herein had filed a private complaint in PCR.No.13129/2013 against the petitioners herein and others with a prayer to punish the accused or the offence punishable under Section 500 IPC. In the said proceedings, the Trial Court after recording the sworn statement of the complainant, has



issued summons to the accused by order dated 13.06.2016. Being aggrieved by the same, petitioners are before this Court.

4. Learned Counsel for the petitioners have reiterated the grounds urged in the petition submits that the alleged offences does not attract any ingredients of libel or slander. Petitioners have telecasted the same news that was telecasted by other media sources. The allegation in the complaint does not attract the alleged offences against the petitioners. The petitioners are covered under the fourth exception to Section 499 of IPC. The petitioners had no intention to defame the respondent. He also submits that continuation of the proceedings before the Trial Court would amount to abuse of process of law.

5. From a perusal of the averments made in the complaint as well as the sworn statement of the complainant, it is seen that the allegation against the accused is that, on 31.05.2013 the accused had telecast the news of the alleged involvement of a Kannada Film Actresses in the betting and spot fixing scandle and the complainant was time and again named and her photos and videos were shown while the news was being telecasted. It is averred in the complaint as well as in the sworn



statement that the news carried a programme named 'Betting Raniyaru' (Betting Queens) and while the news was being telecast regarding involvement of Kannada Film Actresses in the betting and spot fixing scandle, the photograph and video of the complainant was being displayed. Complainant has specifically averred that the news was being telecasted in such a manner, as if the complainant was one of the person who was involved in the alleged cricket betting or spot fixing scandle. According to the complainant, the act of the accused persons has caused a serious dent on her image and reputation and the people in film industry have made enquiry with her with regard to the correctness of the news that was telecasted.

6. From a reading of Section 499 IPC, it is very clear that whoever, by words either spoken or intended to be read, or by signs or by visible representations, makes or publishes any imputation concerning any person intending to harm, or knowing or having reason to believe that such imputation will harm, the reputation of such person, is said to have defamed the person except in cases which come under the ten exceptions given to the said provision of law.



7. In the present case, while the news was being telecasted with regard to the cricket betting and spot fixing, the photograph and the video of the complainant was being allegedly displayed or telecasted by the accused. According to the complainant, the accused persons have made visible representation depicting as if the petitioner was involved in cricket betting and spot fixing, knowing very well or having reason to believe that the same is likely to cause damage to the reputation of the complainant. Therefore, it cannot be said that there is no prima facie case against the accused to stand trial for the offence punishable under Section 500 of IPC.

8. Though learned Counsel for the petitioners has contended that the petitioners come under the Fourth Exception to Section 499 of IPC, and therefore, he cannot be prosecuted for the offence punishable under Section 500 IPC, the petitioners have failed to produce any material before this Court to show that there was any proceedings before the court against the complainant with regard to her involvement or connection in any manner with cricket betting or spot fixing. Fourth Exception to Section 499 IPC provides that it is not defamation to publish substantially true report of the proceedings of a Court of



Justice, or of the result of any such proceedings. Since the petitioners have failed to produce any material before the Court in support of their contention that they are covered under the fourth exception to Section 499 of IPC, the said contention of theirs is liable to be rejected. Whether the petitioners had any intention to cause dent or damage to the reputation of the complainant is the subject matter of trial and no finding can be recorded on the same by this Court at this stage.

9. Under the circumstances, I am of the opinion that the petition lacks merits. Accordingly, the same is dismissed.

Sd/-
JUDGE

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