IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr. MMO Nos. 622 and 618 of 2024
Reserved on: 02.03.2026
Date of Decision: 12.5.2026.

---

1. Cr. MMO No. 622 of 2024

Surinder Sharma ...Petitioner

Versus

Parveen Kalia & another ...Respondents

2. Cr.MMO No. 618 of 2024

Rajesh Kalia ...Petitioner

Versus

Parveen Kalia and another ...Respondents

Coram
Hon'ble Mr Justice Rakesh Kainthla, Judge.
Whether approved for reporting?[1] Yes

For the Petitioner(s) : Mr Piyush Dhanotia, Advocate, in both the petitions.

For Respondents : Surinder Saklani, Advocate, in both the petitions.

Rakesh Kainthla, Judge:

The petitioners have filed the present petitions for quashing of the complaint No.8-I-2022 dated 08.02.2022, pending before the learned Additional Chief Judicial Magistrate, Court No.1, Amb, District Una, H.P., for the commission of offences, punishable under Sections 500 and 120-B of the Indian

---

[1] Whether reporters of Local Papers may be allowed to see the judgment? Yes.

::: Downloaded on - 12/05/2026 20:21:15 :::CIS

2026:HHC:16310

Penal Code (IPC). *(Parties shall hereinafter be referred to in the same manner as they were arrayed before the learned Trial Court for convenience.*

2. Since both the petitions have arisen out of the common complaint, they are being taken up together for disposal.

3. Briefly stated, the facts giving rise to the present petition are that the complainants filed a complaint before the learned Trial Court against the accused/petitioner(s) for the commission of offences punishable under Sections 500 and 120B of the IPC. It was asserted that the complainants are the priests in the Mata Chintpurni Shrine. Accused No. 1, Rajesh Kalia, had a business rivalry with the complainants as their shops are situated in front of the shop of accused No.1. Accused No.1 had filed a false complaint with the police on 20.11.2021 to harm the complainants' reputation. Accused No.1 again made a false complaint on 04.12.2021 regarding wrongful restraint and filthy abuses. Accused No. 2 published the news item against the complainant in Una Kesari. The relatives and friends of the complainant telephoned them after reading the news item. The

High Court of H.P.

::: Downloaded on - 12/05/2026 20:21:15 :::CIS

news item lowered the complainants' estimation in public. This news item was published without verifying the facts; hence, a complaint was filed before the learned Trial Court for taking action as per the law.

4. Learned Trial Court recorded the statements of Arvind Kalia (CW-1), Sumant Kalia (CW-2), Jiwan Kalia (CW-3) and Krishan Lal (CW-4) and found sufficient reasons to summon the accused for the commission of offences punishable under Section 500 read with Section 120-B of IPC.

5. Being aggrieved by the filing of the complaint and summoning order, the petitioners/accused filed the present complaint, asserting that the allegations made in the complaint do not constitute the commission of any offence. The news item was based on the information provided by Arjit Sen Thakur, Superintendent of Police, Una. H.P. The editor of the newspaper was not made a party, and the news reporter cannot be vicariously liable for the act of the editor. The news item was based on the First Informant Report (FIR) filed before the police, and there was no intention to harm the reputation of any person. The accused was not residing within the area where the

High Court of H.P.

::: Downloaded on - 12/05/2026 20:21:15 :::CIS

Magistrate exercised the jurisdiction, and an inquiry under Section 202 of Cr.P.C. was mandatorily required to be conducted, which has not been conducted; therefore, it was prayed that the present petition be allowed and the complaint pending before the learned Trial Court be quashed.

6. I have heard Mr Piyush Dhanotia, learned counsel for the petitioner(s)/accused in both the petitions, and Mr Surinder Saklani, learned counsel for the respondents in both the petitions.

7. Mr Piyush Dhanotia, learned counsel for the petitioner(s)/accused in both the petitions, submitted that a joint complaint filed by two persons is not maintainable. The editor of the newspaper was not arrayed as a party. Rajesh Kalia had only made a complaint to the Police, which cannot be said to be defamatory. The publication of the contents in the F.I.R. does not constitute defamation. Hence, he prayed that the present petitions be allowed and the complaint pending before the learned Trial Court be quashed. He relied upon the following judgments in support of his submission: -

➢	***M/s Nilanjana Bhowmick vs. Ravi Nair 2025:DHC:10104***

High Court of H.P.

::: Downloaded on - 12/05/2026 20:21:15 :::CIS

➢	*M/s CNN-IBN7 vs. Maulana Mumtaz Ahmed Quasmi & others alongwith connected matters 2017: HHC:5623*
➢	*Jaideep Bose vs. M/s Bid and Hammer Auctioneers Private Ltd., along with connected matters 2025:INSC 241*
➢	*Sanjay Upadhya vs. Anand Dubey 2024: INSC 66*
➢	*Salib @ Shalu @ Salim vs State of U.P. Ors. 2023:INSC 687*
➢	*Aroon Purie vs State 2022 LiveLaw (SC) 894.*

8. Mr Surinder Saklani, Advocate, for the respondents in both the petitions, submitted that the news item was published at the instance of accused No.2 Surinder Sharma. Repetition of a libel is also a crime, and the accused No.2, Surinder Sharma, cannot escape from the liability merely because he had reproduced the contents of the F.I.R. The Editor was not a necessary party, and the complaint was fully maintainable in his absence. Hence, he prayed that the present petitions be dismissed.

9. I have given a considerable thought to the submissions made at the bar and have gone through the records carefully.

High Court of H.P.

::: Downloaded on - 12/05/2026 20:21:15 :::CIS

2026:HHC:16310

10. The law relating to quashing of criminal cases was explained by the Hon'ble Supreme Court in ***B.N. John v. State of U.P., 2025 SCC OnLine SC 7*** as under: -

> "**7.** As far as the quashing of criminal cases is concerned, it is now more or less well settled as regards the principles to be applied by the court. In this regard, one may refer to the decision of this Court in ***State of Haryana v. Ch. Bhajan Lal, 1992 Supp (1) SCC 335,*** wherein this Court has summarised some of the principles under which FIR/complaints/criminal cases could be quashed in the following words:
>
> > "**102.** In the backdrop of the interpretation of the various relevant provisions of the Code under Chapter XIV and of the principles of law enunciated by this Court in a series of decisions relating to the exercise of the extraordinary power under Article 226 or the inherent powers under Section 482 of the Code which we have extracted and reproduced above, we give the following categories of cases by way of illustration wherein such power could be exercised either to prevent abuse of the process of any court or otherwise to secure the ends of justice, though it may not be possible to lay down any precise, clearly defined and sufficiently channelised and inflexible guidelines or rigid formulae and to give an exhaustive list of myriad kinds of cases wherein such power should be exercised.
> >
> > > (1) *Where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in their entirety, do not prima facie constitute any offence or make out a case against the accused.*
> > >
> > > (2) Where the allegations in the first information report and other materials, if any, accompanying the FIR do not disclose a cognizable offence, justifying an investigation by police officers

High Court of H.P.

::: Downloaded on - 12/05/2026 20:21:15 :::CIS

under Section 156(1) of the Code, except under an order of a Magistrate within the purview of Section 155(2) of the Code.

(3) Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.

(4) *Where the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code.*

(5) Where the allegations made in the FIR or complaint are so absurd and inherently improbable based on which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused.

(6) *Where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings, and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party.*

(7) Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to a private and personal grudge." *(emphasis added)*

8. Of the aforesaid criteria, clause no. (1), (4) and (6) would be of relevance to us in this case.

In clause (1), it has been mentioned that where the allegations made in the first information report or the

High Court of H.P.

::: Downloaded on - 12/05/2026 20:21:15 :::CIS

> complaint, even if they are taken at their face value and accepted in their entirety, do not prima facie constitute any offence or make out a case against the accused, then the FIR or the complaint can be quashed.
>
> As per clause (4), where the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order dated by the Magistrate as contemplated under Section 155 (2) of the CrPC, and in such a situation, the FIR can be quashed.
>
> Similarly, as provided under clause (6), if there is an express legal bar engrafted in any of the provisions of the CrPC or the concerned Act under which the criminal proceedings are instituted, such proceedings can be quashed."

11. This position was reiterated in ***Ajay Malik v. State of Uttarakhand, 2025 SCC OnLine SC 185,*** wherein it was observed:

> "**8.** It is well established that a High Court, in exercising its extraordinary powers under Section 482 of the CrPC, may issue orders to prevent the abuse of court processes or to secure the ends of justice. These inherent powers are neither controlled nor limited by any other statutory provision. However, given the broad and profound nature of this authority, the High Court must exercise it sparingly. The conditions for invoking such powers are embedded within Section 482 of the CrPC itself, allowing the High Court to act only in cases of clear abuse of process or where intervention is essential to uphold the ends of justice.
>
> **9.** It is in this backdrop that this Court, over the course of several decades, has laid down the principles and guidelines that High Courts must follow before quashing criminal proceedings at the threshold, thereby pre-empting the Prosecution from building its case before the Trial Court. The grounds for quashing, *inter alia*, contemplate the following situations : (***i***) the criminal

High Court of H.P.

::: Downloaded on - 12/05/2026 20:21:15 :::CIS

> complaint has been filed with *mala fides*; (***ii***) the FIR represents an abuse of the legal process; (***iii***) no *prima facie* offence is made out; (***iv***) the dispute is civil in nature; (***v.***) the complaint contains vague and omnibus allegations; and (***vi***) the parties are willing to settle and compound the dispute amicably (***State of Haryana v. Bhajan Lal, 1992 Supp (1) SCC 335***)

12. The present petition is to be decided as per the parameters laid down by the Hon'ble Supreme Court.

13. It was submitted that the joint complaint is not maintainable. This submission cannot be accepted. It was laid down by the Oudh High Court in ***Abdul Karim v. Nangoo*, *1942 SCC OnLine Oudh CC 136: 1942 Cri LJ 731*** that there is no prohibition in the CrPC to file a joint complaint. It was observed at page 733:

> **8**...Although there is no provision in the Code that a complaint may be made by more than one person, there is also, so far as I am aware, no provision to the contrary. The definition of "complaint" in s. 4(*b*) of the Criminal P.C. is silent on the point. There is certainly nothing in it to suggest that it must be made by one person only. I see no reason why a joint complaint should not be made by two persons who allege similar and connected offences against one or more persons committed in the course of the same occurence. The fact that s. 200 refers to "a complainant" in the singular is, I think, of no significance. It is provided in s. 13 of the General Clauses Act that in all Central Acts and Regulations, unless there is anything repugnant in the subject or context, words in the singular shall include the plural, and *vice versa*. There is nothing to my mind repugnant in the subject or context of s. 200 to the application of this principle."

::: Downloaded on - 12/05/2026 20:21:15 :::CIS

2026:HHC:16310

14. A similar view was taken in ***Nazir Ahmad v. State of Bihar, 2017 SCC OnLine Pat 4016,*** wherein it was observed:

> **5.** The said decision in the case of ***Abdul Karim Nangoo (supra)*** and other cases has been discussed subsequently by the Madras High Court in an unreported decision in the case of ***R. Murugadoss @ Murugan v. State through the Sub-Inspector of Police (Cr. Original Petition No. 408 of 2008 and Misc. Petition No. 1 of 2008)***.
>
> **6.** From perusal of the said decision, it is obvious that the Madras High Court has considered the legal position of the other High Courts and Hon'ble Apex Court, relying upon the scheme of the Cr. P.C. as also Section 13(2) of the General Clauses Act, which provides that in all Central Acts and Regulations, unless there is anything repugnant in the subject or context, words in the singular shall include the plural and vice versa. Discussion in this regard is to be found in paragraph nos. 13 and 14 of the said judgment in *R. Murugadoss* (supra), is as under:
>
> "13. In order to fortify the stand taken by this Court, it would be apropos to look into the following decisions:
>
> (a) In ***Shital Chandra Datta v. Babu Ram Jodaun reported in AIR 1967 All 150***, it is held that there is nothing in the Code to suggest that a complaint must be made by one person only and Section 200 refers to a "complainant" in the singular, but by applying the provisions of S. 13 of the General Clauses Act, the word has to be interpreted to mean "complainants" also and there is nothing in the Act to deter this interpretation.
>
> (b) In ***Abdul Karim v. Nangoo, reported in AIR 1942 Oudh 407***, it is held that a joint complaint by two persons is valid and examination of the complainants one after another without delay is substantial compliance with Section 200 of the Criminal Procedure Code, 1973.

::: Downloaded on - 12/05/2026 20:21:15 :::CIS

2026:HHC:16310

(c) In ***Zac Poonen v. Hidden Treasure Literature Incorporated in Canada, reported in 2002 Cri LJ 481***, Kamataka, it is held that a joint complaint is legally maintainable under Section 200 of the Criminal Procedure Code, 1973, but however, with regard to a different cause of action, a joint complaint is not maintainable.

(d) In ***Mohd. Yousuf v. Smt. Afaq Jahan reported in 2006 Cri LJ 788 (SC)***, it is observed that there is no particular format of complaint and a petition addressed to the Magistrate containing an allegation that an offence has been committed, and ending with a prayer that the culprits be suitably dealt with, as in the instant case, is a complaint.

(e) In ***Bhimappa Bassappa Bhu Sannavar v. Laxman Shivarayappa Samagouda reported in (1970) 1 SCC 665: AIR 1970 SC 1153***, the Hon'ble Larger Bench of the Apex Court has observed that the word complaint has a wide meaning since it includes even an oral application and it may therefore, be assumed that no form is prescribed which the complaint must take and it may only be said that there must be an allegation which prima facie discloses the commission of an offence with the necessary facts for the Magistrate to take action.

14. From the conjoint reading of the said decisions referred to earlier, it is easily discernible that a complaint under Section 200 of the Code of Criminal Procedure,-1973 can be made by more than one person with regard to the same cause of action, and further it is made clear that in the Code of Criminal Procedure 1973 or Criminal. Rules of Practice, there is no format with regard to a complaint to be given under the said Section. Further, the word complainant " as referred to in Section 200 of the Criminal Procedure Code, 1973, includes plural as per Section 13 of the General Clauses Act.

::: Downloaded on - 12/05/2026 20:21:15 :::CIS

2026:HHC:16310

15. This Court also held in ***Dharam Dass vs. State of H.P., Criminal Revision No. 59 of 2007, decided on 1st July, 2016 2016:HHC:5244***, that a joint complaint filed by two persons is maintainable, if the cause of action is the same. In the present case, the cause of action is the publication of a news item in the newspaper stated to be containing defamatory material, lowering the reputation of the complainants; therefore, a joint complaint can be filed regarding a single cause of action, and the submission that a joint complaint is not maintainable in the present case cannot be accepted.

16. It is undisputed that the news item was written by the petitioner/Surinder Sharma. The news item reads that Parveen and Sumant had given Rajesh Kalia a beating when he was returning to his home. He had reported the matter to the police, and the police had initiated an investigation into the matter. Since the news item was written by Surinder Sharma, he was the only necessary party and the editor was not required to be impleaded as a party. Hence, the judgments in ***Vijay*** (supra), ***Jaideep Bose*** (supra) and ***Arun Purie*** (supra) do not apply to the present case.

High Court of H.P.

::: Downloaded on - 12/05/2026 20:21:15 :::CIS

2026:HHC:16310

17. It was submitted that the petitioner is a resident of Una, and the Courts at Amb could not have proceeded against the petitioner without conducting an inquiry under Section 202 CrPC. This submission cannot be accepted. Una and Amb are located in the same district. It was laid down by this Court in ***Sanjay Kumar vs State, Latest HLJ 2007(2) 1270 (HPHC) = 2008(1) Cur. L.J. (HP) 184*** that a magistrate is appointed for the whole of the District. It was observed:

> "4. What is required to be seen at this stage is whether the Court at Mandi had the jurisdiction to proceed with the trial, or it was only the court at Sundernagar that had the jurisdiction to try the matter. The High Court, in exercise of its power under sub-sections (2) and (3) of Section of the Code of Criminal Procedure, has issued a Notification authorising all the Judicial Magistrates posted within a particular District to exercise the powers of inquiry and trial in respect of the case pertaining to any part or area of the District. That is to say, the Magistrate have been conferred the powers to be exercised by them throughout the area of the District they are posted in.
>
> 5. Learned counsel has produced two Notifications issued by the Chief Judicial Magistrate, Mandi, which, according to him, confine the local jurisdiction of the Magistrates and the jurisdiction of the Judicial Magistrate (2) Mandi, has been confined to the area of a particular police station within the Sub Division of District Mandi.
>
> 6. The submission made by the learned counsel is not correct. But the Notifications are under Section 15 of the Code of Criminal Procedure with regard to the distribution of work of the Judicial Magistrates. They are not the Notifications, under Section 14 of the Code defining the

High Court of H.P.

::: Downloaded on - 12/05/2026 20:21:15 :::CIS

> jurisdiction of the Magistrates posted in the District. Therefore, the submission is rejected.
>
> 7. In view of the Notification issued by this Court in exercise of its powers under sub-sections (2) and (3) of Section 14 of the Code of Criminal Procedure, the substance whereof has been noticed hereinabove, it is held that the Judicial Magistrate posted at Mandi, also has the jurisdiction to try and decide the case."

18. The complainant asserted in para 4 of his complaint that the accused had made a false and frivolous complaint with the intention to injure or harm the reputation of the complainant before the Police Station Chintpurni, making baseless allegations and assertions regarding the hurling of filthy abuses. Therefore, it is apparent that, as per the complainant, accused No.1 had made a complaint to the police. It was held by this Court in ***Dinesh Chander Sharma vs. Surinder Kumar Sharma (2020) 1 Shim.LC. 418*** that a complaint made to the police and the investigation conducted pursuant to it are protected under exception 2, Section 499 of IPC. Thus, the complaint made by accused No.1 to the police will not constitute defamation.

19. The Bombay High Court also took a similar view in ***Yadav Motiram Patil v. Rajiv G. Ghodankar*, *2010 SCC OnLine Bom 1969*.** It was observed: -

High Court of H.P.

::: Downloaded on - 12/05/2026 20:21:15 :::CIS

> "**6....**Assuming that accused No. 1 had lodged an oral report against the respondent No. 1, in view of the facts and circumstances, it is clear that Eighth and Ninth Exceptions will be applicable to the facts of the case. Eighth Exception to Section 499 provides that it is not defamation to prefer in good faith an accusation against any person to any of those who have lawful authority over that person with respect to the subject matter of the accusation. In the present case, the accused No. 1 and other members of the society approached the police because, admittedly, the letter received by them contained some obscene material and defamatory statements against the daughter of the accused No. 1, and they expected guidance, which could include appropriate action against the culprit. Ninth Exception to Sec. 499 provides that 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. Even if it is assumed that the accused No. 1 and the other accused made the imputation against the respondent No. 1 that he had written the letters and thus that imputation was made against his character, still that was made in good faith because they wanted the protection of the interest of the members of the family of accused No. 1 and particularly his daughter. They did not approach any unconnected person, but the police, who could protect the interests of the accused No. 1 and his family members. In view of the legal position and the facts, which are clear from the complaint and the documents submitted with the complaint, it is clear that the case is clearly covered by Exceptions 8th and 9th and no case under section 500 IPC could be made out.

20. A similar view was taken by the Delhi High Court in ***Rajan Sareen v. State (NCT of Delhi), 2025 SCC OnLine Del 9139,*** wherein it was observed:

::: Downloaded on - 12/05/2026 20:21:15 :::CIS

2026:HHC:16310

> "**42.** The Petitioner has alleged that the Respondents filed false complaints which damaged his reputation in business circles and amongst his friends and staff. However, the learned MM examined the pre-summoning evidence and found no *prima facie* case of defamation made out.
> **43.** For defamation to be established, it must be shown that imputations were made with the intention of harming reputation or with knowledge or reason to believe that such imputations would harm reputation. Mere filing of Complaints, even if later found to be false, does not automatically constitute defamation, particularly when such Complaints are made to authorities in the due course of law.
> **44.** The appreciation of evidence by the learned MM as well as learned ASJ on this count reveals no perversity warranting interference; ***no offence under Section 500 IPC is made out."***

21. Accused No.2 had published the contents of the F.I.R. In the newspaper. It was laid down in ***Ashutosh Choubey v. State of Jharkhand, 2019 SCC OnLine Jhar 2484,*** that publication of the contents of the F.I.R. does not constitute the commission of an offence punishable under Section 500 of IPC. It was observed: -

> "**10.** After going through the records, I find that the petitioners have been arrayed as the Chief Editor, Publisher and Printers of the newspaper 'Prabhat Khabar. The said newspaper published a report about a lady who had filed an FIR alleging that she was sexually assaulted after being administered some narcotics. The sum and substance of the FIR was mentioned in the newspaper report, but nowhere in the newspaper report was the identity of the victim disclosed, nor her name. The fact, which has been mentioned in the FIR, was published as a report. The complaint also does not disclose the involvement of these petitioners. Just because these petitioners are the

::: Downloaded on - 12/05/2026 20:21:15 :::CIS

High Court of H.P.

2026:HHC:16310

publisher, printer and resident editor of the newspaper, they have been made accused. Nowhere in the complaint has it been mentioned that the fact, which has been reported, is false; rather, it is an admitted case that the fact, which has been reported, is true, and the FIR has already been lodged by the victim, being Dhanbad Police Station Case No. 240 of 2014, registered under Sections 376/328 of the Penal Code, 1860.

11. From the newspaper report, which is part of this criminal miscellaneous petition, it is clear that the name of the victim has not been disclosed in the report. Since there is nothing in the newspaper report, which can suggest that suggests the identity was made known, there is no application of Section 228A of the Penal Code, 1860. Similarly, publishing a newspaper report of facts of lodging of an FIR cannot be said to be defamatory, especially when the FIR has been lodged by the victim herself. It is only news which has been published, especially when there is no allegation that the news is false. Thus, there is no application of Section 500 or Section 501 of the Penal Code, 1860, in this case."

22. The Bombay High Court also took a similar view in ***Vijay v. Ravindra Ghisulal Gupta, 2022 SCC OnLine Bom 1315,*** and it was observed: -

19. It was thus inquired from the Counsel for the non-applicant as to how the action of reporting a news item could be said to be defamatory. It is common knowledge that in daily newspapers, at least some space is devoted to the news about the registration of crimes, filing of cases in Courts, the progress of the investigation, arrest of persons, etc. It constitutes news events which public has the right to know. Certainly, the Publishers are to report the true happenings in their newspapers. I may reiterate that there is no dispute that the fact of registration of the crime was correctly reported. Filing complaints about defamation on such news items is nothing but an attempt to shut up and stifle the Reporters/informants and to

High Court of H.P.

::: Downloaded on - 12/05/2026 20:21:15 :::CIS

2026:HHC:16310

> force them to withdraw the report filed against the persons who are allegedly defamed. No reply in this respect was forthcoming from the Counsel of the non-applicant, nor has anything in this respect been stated as to how the said act of Editor/Publisher gives rise to the action for libel. If it was held so, then no reporting of news could be made till the outcome of the investigation or the final orders of the last Court. It would deprive the public of the right to know the happenings.
>
> **20.** It is the primary function of the Press to provide comprehensive and correct information, especially when it is brought into the public domain. Freedom of the Press is implied from the freedom of speech and expression guaranteed by Article 19(1)(a) of the Constitution of India. In other words, the freedom of making a true report regarding the affairs that are in the public domain is a right that flows from the freedom of speech. The action of defamation about true and faithful reporting is unhealthy for a democratic setup.

23. Delhi High Court also took a similar view in ***Nilanjana Bhowmick v. Ravi Nair, 2025 SCC OnLine Del 8819*** and observed:

> **59.** It is quite evident that there was an RC registered, and the investigations carried out into the *foreign funds* being received by the NGO. The reporting is factually correct, and it did not state that the Complainant was indicted in the said investigations. There is no denial by the Petitioner that, on the indication of the European Anti-Fraud Agency, the Indian Federal Agency had looked into these aspects of the NGO of the Complainant. Whatever discomfort such an allegation or investigation may have caused to the Respondent, it cannot be termed as defamatory as no part of the reporting was incorrect. To say that by *innuendoes and insinuations*, there were some acts being attributed to the Complainant is an oversensitive attitude of the Complainant, and would not be sufficient to constitute defamation.

::: Downloaded on - 12/05/2026 20:21:15 :::CIS

2026:HHC:16310

24. Therefore, the contents of the F.I.R. made to the police are protected, and its publication by the newspaper is also protected. Thus, the continuation of the proceedings before the learned Trial Court cannot be permitted.

25. Consequently, the present petitions are allowed and the complaint No. 08-01 of 2022, dated 08.02.2022, pending before the Court of learned Additional Chief Judicial Magistrate Court No. 1, Amb, District Una, H.P., for the commission of offences punishable under Section 500 and Section 120B of IPC and consequential order of issue of process and summons dated 05.01.2024 are ordered to be quashed.

26. Both Petitions stand disposed of in the above terms, so also pending miscellaneous applications, if any.

27. Parties are permitted to produce a copy of this judgment, downloaded from the webpage of the High Court of Himachal Pradesh, before the authorities concerned, and the said authorities shall not insist on the production of a certified copy, but if required, may verify passing of the order from the Website of the High Court.

(Rakesh Kainthla)
Judge

12th May , 2026
(ravinder)

High Court of H.P.

::: Downloaded on - 12/05/2026 20:21:15 :::CIS