

Ajay

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO.1082 OF 2018

Dr. (Mrs.) Rashmi Sanghi

.. Applicant

Versus

State of Maharashtra and Another

.. Respondents

WITH

CRIMINAL APPLICATION NO.1083 OF 2018

Dr. Shri Gopal Kabra

.. Applicant

Versus

State of Maharashtra and Another

.. Respondents

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- Mr Ashok Mundargi, Senior Advocate a/w. Mr. Maulik Nanavati and Ms. Paavani Chadha, Advocates for Applicants.
- Mr. Brijesh Shukla, Advocate for Respondent No.2 in both the Applications
- Mr. Sukanta Karmakar, learned APP for Respondent – State in both the Applications.

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CORAM : MILIND N. JADHAV, J.

DATE : AUGUST 18, 2026.

P.C.:

1. Heard Mr. Mundargi, learned Senior Advocate for Applicants, Mr. Shukla, learned Advocate for Respondent No.2 and Mr. Karmakar, learned APP for Respondent – State.

2. This is a group of two (2) Criminal Applications, one Application is filed by Dr. (Mrs.) Rashmi Sanghi and second Application is filed by Dr. Shri Gopal Kabra. Both Applications are decided together due to commonality of issues and facts arising out of the views expressed by both the doctors on a T.V. program wherein Dr.

Rashmi Sanghi spoke for 40 seconds whereas Dr. Shri Gopal Kabra spoke for 3-4 minutes while answering the questions posed by the anchor of a public talk show namely “*Satyamev Jayate*” aired on *Doordarshan* and *Star TV*. Both Applicants are doctors having substantial research and experience behind them in their respective fields of study and research.

3. Both Applications are filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of Complaint Case No.521/SS of 2015 and Complaint Case No.522/SS of 2015 pending before the Additional Chief Metropolitan Magistrate, 9th Court, Bandra, Mumbai for offence punishable under Section 500 of the Indian Penal Code, 1860 and order dated 03.10.2016 separately in both matters passed by the said Magistrate.

4. As argued by Mr. Mundargi, learned Senior Advocate on behalf of Applicants, it is seen that Applicant - Dr. Rashmi Sanghi being a doctor published a research paper titled “Organochlorine and Organophosphorus pesticide residues in breast milk from Bhopal, Madhya Pradesh, India” in “Journal of Human and Experimental Toxicology” in February 2003. According to Applicant - Dr. Rashmi Sanghi similar studies were carried out by several research scholars both domestically and internationally stating presence of higher than permissible quantities of contaminants in the breast milk. According to

Applicant - Dr. Rashmi Sanghi these studies helped to understand the nature and extent of the problem of contamination of human milk with environmental and occupational chemicals, excluding drugs and discussed factors influencing the levels of contaminants in breast milk.

5. Mr. Mundargi would submit that Applicant – Dr. Shri Gopal Kabra has been involved in extensive study both by himself and under his guidance and supervision on incidence of still births and congenital anomalies wherein in research it is elucidated that any environmental teratogenic factor is effective in producing brain defects must be operative during the first 4th or the 5th week of pregnancy. He would submit that his research stated that a teratogenic environmental poison is bound to affect virtually the entire population of the city of Jaipur where it was carried out which must have passed on through food, water or atmosphere. Next, he would submit that several other researches have also been conducted on the subject of presence of high residue of pesticides in grains in India and the harmful effect of such high percentage of contamination in food items being consumed by the population of humans and animals. He would submit that Applicant – Dr. Shri Gopal Kabra has authored several books on medical subjects and written various research papers which have been further published in renowned journals.

6. In this above background, both the Applicants were approached by producers of the T.V. show program “*Satyamev Jayate*” anchored by film actor Aamir Khan and aired on *Doordarshan* (state owned channel) and other T.V. channels like *Star TV*, etc. Many other public figures were also invited. Applicants were informed that topic of discussion on the episode for which they were invited i.e. “*Toxic Food - Poison in our Plate*”. Applicant - Dr. Rashmi Sanghi was persuaded to speak about her research paper of 2003 since she had at the then time become a mother. Applicant - Dr. Rashmi Sanghi appeared on the T.V. show program and spoke for about 40 seconds while answering the questions put to her by the anchor. Dr. Shri Gopal Kabra spoke for about 3-4 minutes.

7. It is seen that there were other experts / public figure including owner of the largest pesticide manufacturing company in India also on the said program who voiced and shared their opinion on use of pesticides within limits, lack of regulations of use of pesticides, possibility of alternative modes of farming (organic farming) and non-pesticide management methods, reverse mechanism process of use of pesticides and cost effectiveness of non-pesticide management method.

8. Mr. Mundargi, learned Senior Advocate has taken me through the transcripts of the answers given by the Applicants. I have perused both the transcripts appended to the respective Applications

with the able assistance of Mr. Mundargi, learned Senior Advocate and Mr. Shukla, learned Advocate for original Complainant i.e. Respondent No.2 and Mr. Karmakar, learned APP for Respondent – State. Submissions made by learned Senior Advocate and Advocates at the bar have received due consideration of the Court.

9. Before, I advert to adjudicate the case on merits, the Complainant is Crop Care Federation of India Limited which is a non-profit organization (NGO) whose members are manufactures and marketers of pesticides and insecticides. The T.V. show program was telecast on 24.06.2012. The private complainant took an objection on views aired on the T.V. show program about toxic food poison and a statement about fruits and vegetables having abnormally high levels of pesticide residues thereby causing “folic acid” deficiency in pregnant mothers which leads to causing of skull deformities in new born babies and filed the complaint in March, 2015.

10. *PER CONTRA*, Mr. Shukla, learned Advocate for Complainant has vehemently argued that if the transcripts of the interview and views expressed in the interview are seen it would be equivalent to a false, convoluted and malicious claim by Applicants made before the public at large directly holding use of pesticides by farmers for their crops as harmful. According to the Complainant the Applicants remarks on the T.V. show program resulted in scaring the

public at large at the behest of some unscrupulous interested parties and for subsequent personal gain. He would persuade me to read the transcripts and determine the answers given by Applicants on the basis of the photographs displayed during the program to understand the underlying meaning and to hold against Applicants having stated that use of pesticides is the real cause for lack of “folic acid” in pregnant mothers eventually resulting in congenital anomalies and defects of the new borns in many cases.

11. However on perusing the transcripts of the T.V. show interview, I am of the clear opinion that the context of the statements made by the Applicants was only to spread awareness about grossly visible and mostly fatal malformation and high incidence of defects noticed through studies which were conducted. In my opinion, the entire case filed by the Complainant virtually turns on its heads in view of the fact that admittedly both Applicants have not made any mention whether direct or indirect about the use of any particular pesticide or insecticide as being teratogenic or being responsible for any birth defects or deformities, neither have they mentioned or taken the name of any manufacturer or producer of insecticides or pesticides in a negative or defamatory manner which would amount to casting insinuation or imputation on any of the members of the Complainant/ NGO/ Organization or for that matter any person / manufacturer concerning the insecticide / pesticide industry.

12. Infact, what I find is that the statements made were generic and not specific without imputing any aspersion altogether rather it is seen that both the Applicants before Court are research scholars and the answers given by them when seen and considered are given in general on the basis of contemporaneous studies and analysis carried out by they themselves. On overall consideration of the facts in the present case it is seen that the discussion on the T.V. show program was to spread awareness about the side effects and ill effects of excessive (*emphasis underlined*) use of pesticides and insecticides or other teratogenic material on human health and its impact on environment and ecology and to discuss and deliberate on alternate methods of farming which are less harmful.

13. I do not find a singular intentional or malicious or false statement made by the Applicants while answering the questions so as to indict either a particular pesticides or insecticides and/or the manufacturers and marketers of pesticide and insecticide or concerning any member of the Complainant.

14. It is seen that the allegations made in the complaint have been taken cognizance of by the learned Magistrate as if they are directed against a particular pesticide or insecticide or their manufacturer and / or marketer. However once that is absent the essential ingredients of Section 499 of Indian Penal Code, 1860 to

constitute the offense of defamation cannot disclose satisfaction of the said ingredients at all.

15. The statements made by both Applicants are substantiated by their own research papers and well documented reports of DST and Voluntary Health Association of India. It is seen that there is no attempt whatsoever made in the answers given by both Applicants to blame or tarnish the reputation of any manufacturer or marketer of insecticide and / or pesticide. What is highlighted in the answers given is only that the excessive use of pesticide and its harmful effects and such opinion is in my opinion in the public interest. Hence, in that view of the matter it cannot and does not amount to defamation at all.

16. Once, I arrive at this conclusion *prima facie* on the basis of reading the interview transcripts and answers given by both Applicants to the anchor of the T.V. show program, I need not labour any further. Scrutiny of the evidence brought on record is so crucial in such matters, since criminal law cannot be set into motion by merely relying upon allegations made in the complaint. What is further intriguing is that the T.V. show interview was aired on 24.06.2012 and the complaint has been filed in March 2015 i.e. after a delay of almost three (3) years which *prima facie* speaks volumes on the part of complainant.

17. The order dated 03.10.2016 issuing process, copy of which is appended at page No.45 of Application of Criminal Application No.1083 of 2018 is as innocuous as possible. It is *sans* reasons and without application of whatsoever. It merely records that the remarks are highly defamatory to the manufacturers and marketers of India and considering this position process is issued. This reason in itself reflects complete non-application of mind by the learned Magistrate and hence such an order can never be sustained and countenanced at all.

18. Mr. Mundargi, learned Senior Advocate appearing on behalf of Applicants has also drawn my attention to the order dated 22.04.2013 passed by the Broadcasting Content Complaints Council with regard to the same cause of action and same T.V. show program. He would submit that pesticide manufacturers and Pesticide Manufacturers and Formulators Association of India (PMFAI) filed a similar complaint on 24.06.2012 immediately with the Prime Minister's Office with regard to the same T.V. show program which aired views about use of pesticides in agriculture. Copy of this order is appended below Exhibit "C" at page No. 78. He would submit that the PMFAI urged that necessary steps be taken to stop the media and activists from spreading wrong, unscientific and misleading information to the public and farmers in particular. He would submit that the said Council viewed the T.V. show program and duly considered all submissions made by the parties and documents produced by them in detail and

held in its above order that nothing objectionable was found in the program and at the highest the program was critical of use of pesticides particularly excessive use of pesticides and however the said issue was dealt with proper sensitivity and maturity and it also held that the owner of one of the biggest Pesticide Manufacturer Company in India appeared on the T.V. show program alongwith live audience, several other doctors, experts, representatives of NGOs and homemakers and he was given a fairly sufficient and reasonably long time to explain the use of pesticides also. He would submit that the Council was of the considered opinion concluding that the complaint of PMFAI was without any merit as it did not find any violation of any guideline of IBF's Self-Regulatory Guidelines whatsoever.

19. After going through the transcripts of both Applicants and the views expressed by them I am unable to accept the submissions made by Mr. Shukla, learned Advocate for the original Complainant.

20. Hence, in view of my above observations and findings, both Criminal Applications for Quashing of Complaint Case No.521/SS/2015 and Complaint Case No.522/SS/2015 under Section 500 of the Indian Penal Code, 1860 deserve to be allowed. Both Complaint Cases are quashed and both Criminal Applications are allowed in terms of their respective prayer clauses "a" which read thus:-

Prayer Clause “a” in Criminal Application No.1082 of 2018:-

“(a) *To pass an order quashing the Criminal Complaint being C.C. No.521/SS of 2015 and order dated 03.10.2016 passed by the Additional Metropolitan Magistrate, 9th Court, Bandra, Mumbai of taking cognizance of the impugned complaint for offence punishable under Section 500 of the Indian Penal Code;”*

Prayer Clause “a” in Criminal Application No.1083 of 2018:-

“(a) *To pass an order quashing the Criminal Complaint being C.C. No.522/SS of 2015 and order dated 03.10.2016 passed by the Additional Metropolitan Magistrate, 9th Court, Bandra, Mumbai of taking cognizance of the impugned complaint for offence punishable under Section 500 of the Indian Penal Code;”*

21. Resultantly, both Criminal Applications are allowed and disposed in the above terms.

[MILIND N. JADHAV, J.]

Ajay

RAVINDRA
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AMBERKAR

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signed by
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