

IN THE COURT OF SHRI YASHDEEP CHAHAL
Metropolitan Magistrate-01 : New Delhi District : PHC : New Delhi.

Complaint Case No. 1500/2023
Naresh Dahiya Vs. Bajrang Punia

03.08.2023

Present: Complainant with Ld. Counsels Shri Sudhir Nagar, Shri Ashish Tanwar, Shri Rajesh Rexwal and Shri Ravinder Singh.

Arguments heard on the point of summoning.

The present complaint is filed by Shri Naresh Dahiya, stated to be a Wrestling Coach, who is also running a Coaching Center for Young Wrestler in Delhi. The complaint is filed against Shri Bajrang Punia, who is stated to be a wrestler of international repute.

The facts of the complaint reveal that the accused persons, along with other wrestlers/persons, was participating in a protest alleging sexual harassment against certain women wrestlers by the President of WFI. During the course of this protest, on 10.05.2023 at about 13:54 p.m. the accused held a press conference at Jantar Mantar, New Delhi, wherein certain defamatory remarks were made against the complainant. The video recording of the press conference is placed on record and the same is Ex. CW-1/1. The relevant extracts reveal that the accused had made a reference about a rape case ongoing against the complainant in Tis Hazari Court. The accused referred to the complainant by name and stated that the complainant has no credibility to oppose the protest as he was himself facing a rape case. In the pre-summoning

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evidence, CW-1 has categorically deposed that he was acquitted in the said rape case in 2019 itself and the said fact was well known to the accused as well, who is a part of the same fraternity. The complainant has also examined CW-2 and CW-3, who have deposed that the complainant's reputation faced a serious assault after the press conference. Moreover, many of his students who were practicing in the Akhara being run by the complainant, have left the coaching center.

Ld. Counsel for the complainant submits that the fact of acquittal was well known and a malicious attack was made by the accused to tarnish the reputation as well as credibility of the complainant for the sole reason of dissuading him from supporting the WFI President in the protest.

At the stage of summoning, it is fairly settled that the Court is not required to go into a comparative analysis of the possible defence that may be taken by the accused. On a consideration of the complaint, supporting documents and pre-summoning evidence, I am of the prima facie view that all the ingredients of defamation are made out. It appears that the statement made in the press conference was a result of malicious intent and was not made in good faith. In view of the same, let accused, namely, Bajrang Punia be summoned for the commission of offence punishable under Section 499 read with Section 500 of the Indian Penal Code.

Accordingly, let accused Bajrang Punia be summoned on filing of PF by the complainant returnable on **06.09.2023**.

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Needless to observe, the complainant is required to file the process fee within a reasonable time so that summons can be issued to the accused persons. On failure of the complainant to do so, the complaint shall be liable to be dismissed under Section 204 C.r.P.C.

Let a copy of this complaint be sent to accused Bajrang Punia along with the summons, as contemplated under Section 204 Cr.P.C.

Put up for appearance of accused and further proceedings on **06.09.2023.**

(YASHDEEP CHAHAL)
M.M.-01 : PHC : NDD
03.08.2023.