

**Reserved on 13.11.2019**

**Delivered on 20.12.2019**

**Case :-** U/S 482/378/407 No. - 284 of 2013

**Applicant :-** Ranvijay Singh And Ors. (Complaint Case)

**Opposite Party :-** The State Of U.P And Anr.

**Counsel for Applicant :-** Santosh Srivastava,Janardan Singh,Muhammad Asif Sarwar

**Counsel for Opposite Party :-** Govt. Advocate,Manoj Kumar Dwivedi

**Hon'ble Dinesh Kumar Singh,J.**

1. This petition under Section 482 CrPC has been filed by the petitioners, who were working as Group Editor, Local Editor and Press Reporter, Sahara India Mass Communication, Lucknow, impugning the order of summoning dated 23rd February, 2010, under Sections 499, 500, 501 and 502 IPC passed by the Additional Chief Judicial Magistrate, Court No. 32, Lucknow in Criminal Complaint Case No. 2211 of 2010 'Ramveer Upadhaiya Vs. Jaibrat Roy and others' instituted by the respondent no. 2.

Further prayer has been made to quash the complaint itself.

2. The respondent no. 2, at the relevant point of time, was the Minister in the State Cabinet, Department of Energy. A news item was published on page 11 of the Rashtrya Sahara, Daily Hindi Newspaper on 11th September, 2009. The offending news item reads as under:-

**"ऊर्जा मंत्री के खिलाफ आरोप पर रिपोर्ट तलब"**

**कलानिधि मिश्र/एसएनबी**

**लखनऊ।** पश्चिमांचल विद्युत वितरण निगम मेरठ के चीफ इंजीनियर आर.के. कश्यप द्वारा प्रदेश के ऊर्जा मंत्री पर घूस मांगने के आरोप के मामले में मुख्यमंत्री ने ऊर्जा विभाग से रिपोर्ट तलब की है। कश्यप ने मंत्री पर घूस मांगने और न देने पर उत्पीड़न व तबादला करने का आरोप लगाया है।

पश्चिमांचल विद्युत वितरण निगम मेरठ में तैनात चीफ इंजीनियर आर.के. कश्यप ने पिछले दिनों मुख्यमंत्री से शिकायत की थी कि ऊर्जा मंत्री रामवीर उपाध्याय द्वारा उनसे 10 लाख रुपये की रिश्वत मांगी गयी थी। रिश्वत देने में असमर्थता व्यक्त करने पर पहले उन्हें रेस्पो.(राजीव गांधी ग्रामीण विद्युतीकरण योजना) में स्थानांतरित कर दिया गया। इस पर भी जब उन्होंने पैसे नहीं दिये तब

उन्हें निलम्बित कर दिया गया। इसी शिकायत पर मुख्यमंत्री ने जांच के आदेश दिये थे।

इस बीच श्री कश्यप गत 31 अगस्त को सेवानिवृत्त हो गये। उनके निलम्बन के कई माह बाद भी कोई चार्जशीट नहीं दी गई। मुख्यमंत्री कार्यालय के विशेष सचिव कृष्ण गोपाल ने ऊर्जा सचिव नवनीत सहगल से वांछित आख्या शीघ्र भिजवाने का अनुरोध किया ताकि स्थिति से मुख्यमंत्री को अवगत कराया जा सके।

मामले की जानकारी होने पर ऊर्जा मंत्री ने निलम्बित मुख्य अभियंता श्री कश्यप को वार्ता के लिए अपने पास बुलाया था। श्री कश्यप ने हाल में ऊर्जा मंत्री से भेंट भी की है, लेकिन क्या बातचीत हुई यह स्पष्ट नहीं हो पाया। श्री कश्यप ने अभी तक शिकायत वापस नहीं ली है। अपना मोबाइल ही बंद कर दिया है। इस संबंध में जानकारी के लिए ऊर्जा मंत्री से संपर्क करने का प्रयास किया गया, लेकिन सफलता नहीं मिल सकी।"

3. The basis of the aforesaid news item was a letter dated 12th September, 2008 written by Mr. Krishna Gopal, Special Secretary, Confidential Department. This letter was sent on behalf of the Chief Minister to Mr. J.N. Chamber, Principal Secretary, Energy (Electricity Department), and subsequent reminder letter dated 22nd July, 2009 sent by Mr. Krishna Gopal, Special Secretary to Mr. Navneet Sehgal, Secretary, Department of Energy, Government of Uttar Pradesh, asking for inquiry report on the charge of demanding Rupees Ten Lakhs from the Chief Engineer, on refusal transferring him, and putting him under suspension. Copies of the letters dated 12th September, 2008 and 22nd July, 2009 as well as the alleged complaint made by Mr. R.K. Kashyap on 3rd August, 2008 to the Chief Minister, Government of U.P. have been placed on record as Annexure-5 to the petition.

4. Mr. R.K. Kashyap was working as Chief Engineer, Western Electricity Distribution Corporation, Meerut. In the aforesaid complaint, it was alleged that the respondent no. 2, the Minister, Energy Department, had demanded Rupees Ten Lakhs as bribe from him to remain on the post. It was also alleged that the respondent no. 2 had told him that substantial part of the said amount would go to the Chief Minister. It was further alleged that similar amount of Rupees Ten Lakhs, as a bribe, was demanded from Mr. K.N. Upadhyay, Superintending Engineer-M.M., working under his subordination, and

this amount was paid by Mr. K.N. Upadhyay to the Minister. It was further alleged that since the complainant was an honest officer, he could not give the bribe amount as demanded by the Minister and, therefore, firstly he was transferred to Lucknow, and thereafter, he was placed under suspension on false charges. Copies of the aforesaid letter were sent to the President and Prime Minister besides news channels and newspapers.

5. A news item with photograph of the Minister, relating to charge of demanding bribe money of Rupees Ten Lakhs from the Chief Engineer, was published on 10th September, 2009 in Daily Hindi Newspaper 'Deshbandhu' had already been published before the offending news item was published in 'Rashtriya Sahara' on 11.09.2009. In the aforesaid news item published in 'Deshbandhu', it was also stated that one M.L.A. Mr. Anil Kumar Singh Yadav, belonging to Samajwadi Party, had also sent letters to the Prime Minister and Chief Minister, and demanded action against the Minister. He also demanded C.B.I. inquiry into the matter of corruption by the respondent no. 2. The said news item also contained statement of Congress Spokesperson, Mr. Akhilesh Pratap Singh and Chief Spokesperson of B.J.P., Mr. Hridaya Narain Dixit.

6. Mr. O.P. Rai, Information Officer, sent letter dated 15th October, 2009 to the News Editor, Rashtriya Sahara, Lucknow, requesting on behalf of the complainant to publish contradiction of the news published on 11th September, 2009 in Rashtriya Sahara, stating therein that the Chief Engineer, Mr. R.K. Kashyap had written letter dated 16th March, 2009 to Chairman and Managing Director of Power Corporation, Shakti Bhawan, Lucknow, mentioning therein that he had not given any complaint against the Minister to the Chief Minister. The rebuttal/contradiction to the news item, as requested by Mr. O.P. Rai on behalf of the respondent no. 2, was published in the

Daily Hindi Rashtriya Sahara on 22nd October, 2009 on the same page, which reads as under:-

'मुख्यमंत्री को दिया गया शिकायती पत्र फर्जी'

*लखनऊ। गत दिनों पावर कारपोरेशन के पूर्व मुख्य अभियंता आर.के.कश्यप द्वारा मुख्यमंत्री को दिया गया शिकायती पत्र फर्जी है। इस पत्र में विद्युत मंत्री द्वारा उनसे 10 लाख रुपये मांगने की बात कही गयी है। यह जानकारी ऊर्जा मंत्री रामवीर उपाध्याय के निर्देश पर सूचना अधिकारी ओ.पी.राय ने दी। मुख्य अभियंता आर.के. कश्यप ने पावर कारपोरेशन के अध्यक्ष एवं प्रबंध निदेशक को पिछले दिनों एक पत्र के माध्यम से अवगत कराया था कि किसी शरारती तत्व ने विद्युत मंत्री की छवि धूमिल करने के लिए फर्जी शिकायती पत्र मुख्यमंत्री को प्रेषित किया है।'*

7. Despite the aforesaid publication of the rebuttal/contradiction, as desired on behalf of the complainant, the complaint in question was filed on 2nd February, 2010. After the statements under Sections 200 and 202 CrPC were recorded, the learned Magistrate, after taking cognizance on the complaint, had summoned the petitioners vide order of summoning dated 23rd February, 2010.

8. The allegations in the complaint, in short, are that the accused, including the petitioners, had colluded with each other, and published the aforesaid news item, with an intention to malign and denigrate the image and reputation of the complainant-respondent no. 2 as well as the State Government in the eyes of public in general. The alleged complaint by Mr. R.K. Kashyap, Chief Engineer was false, which would be evident from the letter dated 4th February, 2009 written by Mr. R.K. Kashyap, addressed to the Chairman and Managing Director of the U.P. Power Corporation, Lucknow, stating therein that he had not made any complaint of corruption against the respondent no. 2, and he had also given his specimen signatures in Hindi and English both. It was also stated in the complaint that Mr. R.K. Kashyap sent a letter dated 16th March, 2009 stating therein that the respondent no. 2 was not responsible in any manner in his suspension etc; and specifically denied that he had made any complaint against him. It was further stated that the allegation of bribery against the respondent no. 2 was totally false, baseless, and he never tried to harass anyone,

including Mr. R.K. Kashyap. Mr. R.K. Kashyap was placed under suspension by the competent Authority for valid reasons. It was also alleged that the complainant had good reputation in the Government as well as public at large, and news item was published to defame him, Power Corporation, and the State Government.

9. Heard Mr. Janardan Singh, learned counsel representing the petitioners, Mr. Manoj Kumar Dwivedi, learned counsel representing respondent no. 2 as well as learned Additional Government Advocate representing respondent no. 1-State, and perused the petitions, including the Annexures attached therewith.

10. The right of freedom of speech and expression is a highly valued and cherished right guaranteed under Article 19(1)(a) of the Constitution. The Constitution, however, conceives reasonable restrictions on exercise of right of speech and freedom. The Supreme Court in *Subramanian Swamy Vs. Union of India, (2016) 7 SCC 221* has upheld Sections 499 and 500 IPC, and it has been held the criminal defamation, as an offence defined under the provisions of the I.P.C., is not a restriction on free speech nor it can be categorized as disproportionate. The right of free speech in a society/country governed by democracy is its foundation. However, this right has limitations. To maintain balance, between the societal interest and interest of the people, the State has legitimate interest to regulate the freedom of speech and expression so that the speech or expression should not be defamatory and harm the reputation of people. The freedom of speech and expression should be exercised in the manner that it should not undermine the dignity of a person and his reputation.

11. To constitute the offence of defamation under Section 499 IPC, there has to be imputation, and it must have been made in the manner with intention of causing harm or having reason to believe that this imputation will harm reputation of a person. This is the basis on which the offence of defamation is founded. *Mens rea* is a condition

precedent to constitute the offence of defamation. The complaint must disclose that the accused had intended or accused had reasonable cause to believe that the imputation made by him would harm the reputation of the complainant. Section 499 IPC defines defamation and Section 500 IPC provides punishment in respect of the said offence. The said provisions read as follows:-

**"499. Defamation.**—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, except in the cases hereinafter expected, to defame that person. *Explanation 1.*—It may amount to defamation to impute anything to a deceased person, if the imputation would harm the reputation of that person if living, and is intended to be hurtful to the feelings of his family or other near relatives. *Explanation 2.*—It may amount to defamation to make an imputation concerning a company or an association or collection of persons as such. *Explanation 3.*—An imputation in the form of an alternative or expressed ironically, may amount to defamation. *Explanation 4.*—No imputation is said to harm a person's reputation, unless that imputation directly or indirectly, in the estimation of others, lowers the moral or intellectual character of that person, or lowers the character of that person in respect of his caste or of his calling, or lowers the credit of that person, or causes it to be believed that the body of that person is in a loathsome state, or in a state generally considered as disgraceful. *Illustrations*

**(a)** A says—"Z is an honest man; he never stole B's watch"; intending to cause it to be believed that Z did steal B's watch. This is defamation, unless it fall within one of the exceptions.

**(b)** A is asked who stole B's watch. A points to Z, intending to cause it to be believed that Z stole B's watch. This is defamation unless it fall within one of the exceptions.

**(c)** A draws a picture of Z running away with B's watch, intending it to be believed that Z stole B's watch. This is defamation, unless it fall within one of the exceptions. *First Exception.*—Imputation of truth which public good requires to be made or published.—It is not defamation to impute anything which is true concerning any person, if it be for the public good that the imputation should be made or published. Whether or not it is for the public good is a question of fact. *Second Exception.*—Public conduct of public servants.—It is not defamation to express in a good faith any opinion whatever re-

pecting the conduct of a public servant in the discharge of his public functions, or respecting his character, so far as his character appears in that conduct, and no further. *Third Exception.*—Conduct of any person touching any public question.—It is not defamation to express in good faith any opinion whatever respecting the conduct of any person touching any public question, and respecting his character, so far as his character appears in that conduct, and no further. *Illustration* It is not defamation in A to express in good faith any opinion whatever respecting Z's conduct in petitioning Government on a public question, in signing a requisition for a meeting on a public question, in presiding or attending a such meeting, in forming or joining any society which invites the public support, in voting or canvassing for a particular candidate for any situation in the efficient discharges of the duties of which the public is interested. *Fourth Exception.*—Publication of reports of proceedings of Courts.—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. *Explanation.*—A Justice of the Peace or other officer holding an inquiry in open Court preliminary to a trial in a Court of Justice, is a Court within the meaning of the above section. *Fifth Exception.*—Merits of case decided in Court or conduct of witnesses and others concerned.—It is not defamation to express in good faith any opinion whatever respecting the merits of any case, civil or criminal, which has been decided by a Court of Justice, or respecting the conduct of any person as a party, witness or agent, in any such case, or respecting the character of such person, as far as his character appears in that conduct, and no further. *Illustrations*

*(a)* A says—"I think Z's evidence on that trial is so contradictory that he must be stupid or dishonest". A is within this exception if he says this is in good faith, in as much as the opinion which he expresses respects Z's character as it appears in Z's conduct as a witness, and no further.

*(b)* But if A says—"I do not believe what Z asserted at that trial because I know him to be a man without veracity"; A is not within this exception, in as much as the opinion which he express of Z's character, is an opinion not founded on Z's conduct as a witness. *Sixth Exception.*—Merits of public performance.—It is not defamation to express in good faith any opinion respecting the merits of any performance which its author has submitted to the judgment of the public, or respecting the character of the author so far as his character appears in such performance, and no further. *Explanation.*—A performance may be substituted to the judgment of the public

*expressly or by acts on the part of the author which imply such submission to the judgment of the public. Illustrations*

*(a) A person who publishes a book, submits that book to the judgment of the public.*

*(b) A person who makes a speech in public, submits that speech to the judgment of the public.*

*(c) An actor or singer who appears on a public stage, submits his acting or signing in the judgment of the public.*

*(d) A says of a book published by Z—“Z’s book is foolish; Z must be a weak man. Z’s book is indecent; Z must be a man of impure mind”. A is within the exception, if he says this in good faith, in as much as the opinion which he expresses of Z respects Z’s character only so far as it appears in Z’s book, and no further.*

*(e) But if A says—“I am not surprised that Z’s book is foolish and indecent, for he is a weak man and a libertine”. A is not within this exception, in as much as the opinion which he expresses of Z’s character is an opinion not founded on Z’s book. Seventh Exception.—Censure passed in good faith by person having lawful authority over another.—It is not defamation in a person having over another any authority, either conferred by law or arising out of a lawful contract made with that other, to pass in good faith any censure on the conduct of that other in matters to which such lawful authority relates. Illustration A Judge censuring in good faith the conduct of a witness, or of an officer of the Court; a head of a department censuring in good faith those who are under his orders; a parent censuring in good faith a child in the presence of other children; a school-master, whose authority is derived from a parent, censuring in good faith a pupil in the presence of other pupils; a master censuring a servant in good faith for remissness in service; a banker censuring in good faith the cashier of his bank for the conduct of such cashier as such cashier—are within this exception. Eighth Exception.—Accusation preferred in good faith to authorised person.—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 accusation. Illustration If A in good faith accuse Z before a Magistrate; if A in good faith complains of the conduct of Z, a servant, to Z’s master; if A in good faith complains of the conduct of Z, and child, to Z’s father—A is within this exception. Ninth Exception.—Imputation made in good faith by person for protection of his or other’s interests.—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 inter-*

ests of the person making it, or of any other person, or for the public good. Illustrations

*(a)* A, a shopkeeper, says to B, who manages his business —“Sell nothing to Z unless he pays you ready money, for I have no opinion of his honesty”. A is within the exception, if he has made this imputation on Z in good faith for the protection of his own interests.

*(b)* A, a Magistrate, in making a report of his own superior officer, casts an imputation on the character of Z. Here, if the imputation is made in good faith, and for the public good, A is within the exception. Tenth Exception.—Caution intended for good of person to whom conveyed or for public good.—It is not defamation to convey a caution, in good faith, to one person against another, provided that such caution be intended for the good of the person to whom it is conveyed, or of some person in whom that person is interested, or for the public good. COMMENTS Imputation without publication In section 499 the words “makes or publishes any imputation” should be interpreted as words supplementing to each other. A maker of imputation without publication is not liable to be punished under that section; *Bilal Ahmed Kaloo v. State of Andhra Pradesh*, (1997) 7 Supreme Today 127."

**"500.** Punishment for defamation.—Whoever defames another shall be punished with simple imprisonment for a term which may extend to two years, or with fine, or with both."

12. Article 19 of the Constitution guarantees the right of freedom of speech etc. It would be apposite to extract Article 19(1)(a) of the Constitution:-

**"Article 19(1)(a)** of Indian Constitution says that all citizens have the right to freedom of speech and expression. Freedom of Speech and expression means the right to express one's own convictions and opinions freely by words of mouth, writing, printing, pictures or any other mode.

13. Freedom of speech and expression in a country governed by rule of law and written Constitution is paramount importance to give vibrancy to the democracy. The Supreme Court in *Subramanian Swamy Vs. Union of India* (supra) in paragraphs 98 to 120 has dealt with the significance of freedom of speech and expression in a constitutional democracy and also taken note of the judgments of the

Supreme Court and the foreign judgments on this point. The freedom of speech and expression has been elevated by the Supreme Court, regard being made to the democratic and constitutional goals as enshrined in the Constitution. It is prime duty of the press to expose the Government and its functionaries, if they indulge in mis-governance or acts against the law and constitutional principles. If the press finds itself being cycled by the threat of prosecution, it cannot perform its duty, and it will have a chilling effect on the very right of free speech and freedom as guaranteed under Article 19(1)(a) of the Constitution. In paragraph-166, while upholding the validity of the provisions of Section 499 and 500 IPC, the Supreme Court in *Subramanian Swamy Vs. Union of India* (supra) has held as under:-

*"166. We have referred to two concepts, namely, constitutional fraternity and the fundamental duty, as they constitute core constitutional values. Respect for the dignity of another is a constitutional norm. It would not amount to an overstatement if it is said that constitutional fraternity and the intrinsic value inhered in fundamental duty proclaim the constitutional assurance of mutual respect and concern for each other's dignity. The individual interest of each individual serves the collective interest and correspondingly the collective interest enhances the individual excellence. Action against the State is different than an action taken by one citizen against the other. The constitutional value helps in structuring the individual as well as the community interest. Individual interest is strongly established when constitutional values are respected. The Preamble balances different and divergent rights. Keeping in view the constitutional value, the legislature has not repealed Section 499 and kept the same alive as a criminal offence. The studied analysis from various spectrums, it is difficult to come to a conclusion that the existence of criminal defamation is absolutely obnoxious to freedom of speech and expression. As a prescription, it neither invites the frown of any of the articles of the Constitution nor its very existence can be regarded as an unreasonable restriction."*

14. It has to be seen, whether the petitioners would be said to have requisite *mens rea* in defaming the complainant while publishing the offending news item in Rashtriya Sahara Newspaper on 11th September, 2009, and whether they have taken due care and cautious

in publishing news item, and thereafter the rebuttal on 22nd October, 2009 on the same page, on behalf of the respondent no. 2. For the offence of criminal defamation, the burden is on the Magistrate to scrutinize the complaint on all aspects, and he is required to satisfy himself that the ingredients of Section 499 IPC are satisfied. The Magistrate must apply his judicial mind on the complaint, and facts of the case, before taking cognizance and issuing process, summoning the accused.

15. The Supreme Court in paragraph-208 of *Subramanian Swamy Vs. Union of India* (supra) has held as under:-

*"208. We have referred to these authorities to highlight that in matters of criminal defamation the heavy burden is on the Magistracy to scrutinise the complaint from all aspects. The Magistrate has also to keep in view the language employed in Section 202 CrPC which stipulates about the residence of the accused at a place beyond the area in which the Magistrate exercises his jurisdiction. He must be satisfied that ingredients of Section 499 CrPC are satisfied. Application of mind in the case of complaint is imperative."*

16. The second aspect in the present case, which is required to be considered, is whether the complaint, on behalf of the respondent no. 2, who was the Minister in the State Cabinet of Uttar Pradesh, was maintainable in view of provisions of the Section 199(2) CrPC.

17. To decide the first issue, it would be required to take note of the facts that before the offending news item was published on 11th September, 2009 in 'Rashtriya Sahara' Hindi Daily, 'Deshbandhu' Hindu Daily had already carried out the story along with photograph of the complainant/Minister. The news item published in 'Rashtriya Sahara' was based on two letters. The first letter dated 12th September, 2008 written by Mr. Krishna Gopal, Special Secretary, Confidential Department sent on behalf of Chief Minister to the Principle Secretary, Department of Energy and, subsequent reminder dated 22nd July, 2009 sent to the Secretary, Department of Energy,

demanding inquiry report in respect of demand of bribe of Rupees Ten Lakhs from the Chief Engineer, and on his refusal to pay, transferring him and putting him under suspension. If the news item is closely scrutinized, there is no imputation, which has been made by the petitioners against the respondent no. 2. The news item was factually based on the two letters. If there is no imputation, it cannot be said that the offence of defamation has been committed by the accused. In the complaint it has not been alleged that these two letters are forged. If these two letters are not denied, the news item cannot, in any manner, be said to be defamatory. Further, on behalf of respondent no. 2, the rebuttal was published in the newspaper on the same page in equal prominence.

18. It is also important to note that it was not for the first time that the respondent no. 2 was in news, earlier a three page report regarding corruption by him was published in the news magazine '*Akhir Kab Tak*' which showed the misconduct of the Minister. If having come to know the two letters written from the office of the Chief Minister regarding the inquiry on allegation of demand of bribe of Rupees Ten Lakhs and for non-payment, harassment of the Chief Engineer, had the news item not been published, the newspaper would have failed in its duty. I, therefore, find that the news item was not offending at all and, therefore, the Magistrate ought not to have taken the cognizance and summon the petitioners as accused.

19. Regarding second aspect, it is specifically provided under Section 199 (2) CrPC that in respect of the Minister etc. the complaint can be filed through a Public Prosecutor in the Court of Session. Here, the respondent no. 2 was a Minister in the State Cabinet of Uttar Pradesh, and since, the complaint was filed by him in the Court of learned Magistrate, the Magistrate ought to have considered whether the complaint was maintainable before him or not. In my view the complaint was not maintainable before the Magistrate as there is

specific provision that the complaint should be filed through a Public Prosecutor in the Court of Session, if Defamation is alleged in respect of performance of the public duty by the person mentioned in Section 199(2) CrPC. In the present case, the news item was published with respect to his functioning as the Minister of Energy in State Government, the complaint could have been filed only through a Public Prosecutor, after taking sanction as prescribed.

20. It is well settled that the judicial process should not be an instrument of operation or needless harassment. The Court should be circumspect and judicious in exercising the discretion and only after taking all the relevant facts and circumstances into consideration should issue the process. The judicial process should not be an instrument in hands of the private complainant as vendetta to harass the person. The criminal law should not be set into motion as a matter of course as held in the case of *Pepsi Foods Ltd. and another Vs. Special Judicial Magistrate & others, (1998) 5 SCC 749*.

21. Considering all aspects, and the facts and circumstances of the case, the present petition is **allowed**. Consequently, the Criminal Complaint Case No.2211 of 2010 'Ramveer Upadhaiya Vs. Jaibrat Roy and others' instituted by the respondent no. 2, including the order of summoning dated 23rd February, 2010, under Sections 499, 500, 501 and 503 IPC passed by the Additional Chief Judicial Magistrate, Court No. 32, Lucknow are quashed.

**[D.K. Singh,J.]**

**Order Date :-20th December, 2019**

MVS/-